

## (PART-II)

Q.8

For the critical balance between judicial independence and parliamentary oversight, it is essential that the 26th amendment be critically evaluated on the constitutional principles.

Discuss.

## INTRODUCTION:

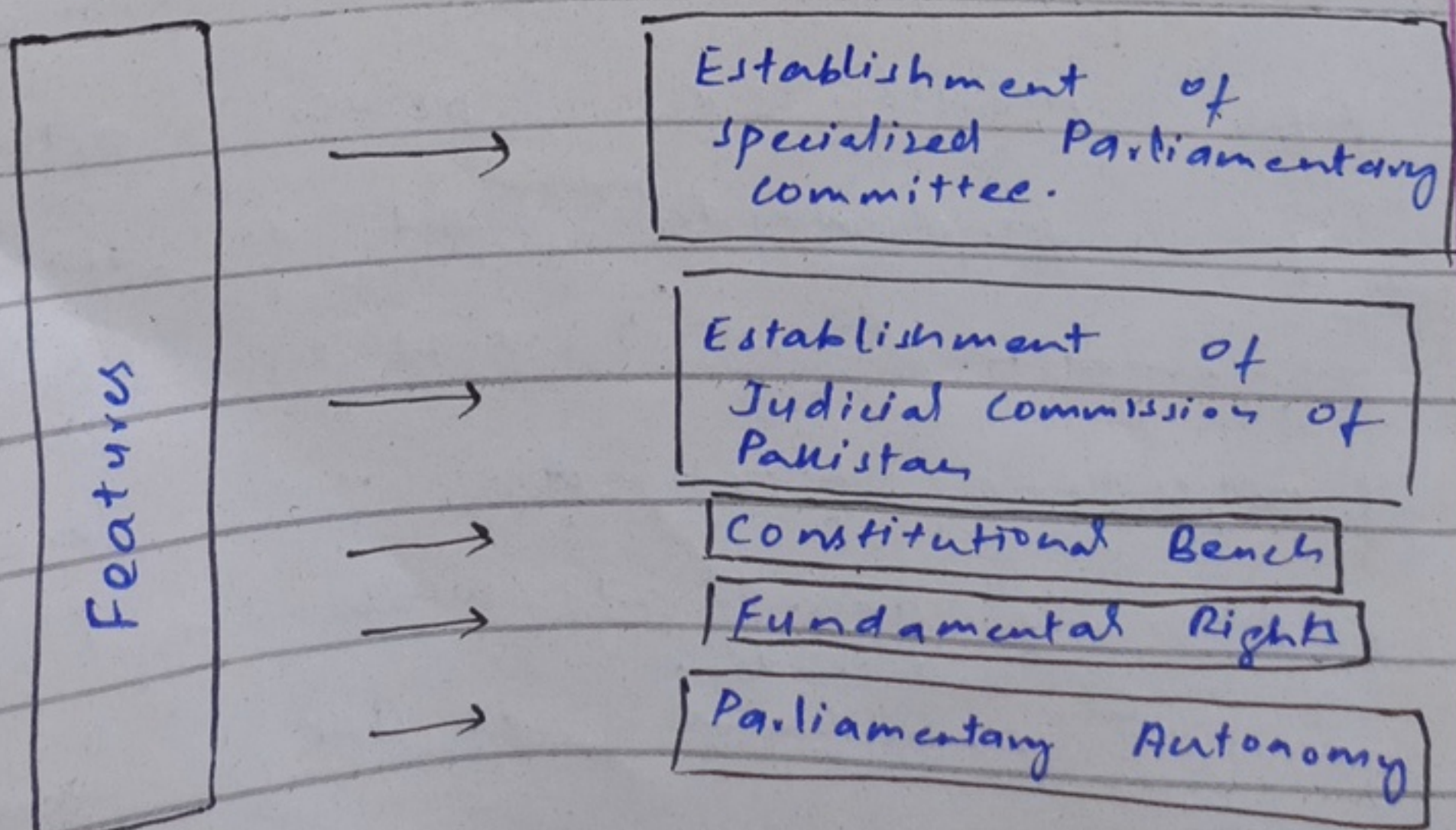
26th Constitutional Amendment is one of the most significant amendment in the constitutional history of Pakistan.

As previous amendments, this amendment also has strengths and weaknesses. Removal of misuse of power, addition of fundamental right to sustainable environment and establishment of constitutional bench are the key features of amendment. While decline of judicial independence amendment is the prominent weakness of this constitutional amendment.

## HISTORICAL BACKGROUND OF 26TH CONSTITUTIONAL AMENDMENT:

The 26th constitutional amendment is historically rooted with 18th constitutional amendments in which judiciary of Pakistan was granted the power to control over parliament of Pakistan. Now, the main purpose of this amendment is to take that power from judiciary and key officials of judiciary will be appointed by the Parliament.

## KEY FEATURES OF THE 26TH CONSTITUTIONAL AMENDMENT:



## 1. ESTABLISHMENT OF SPECIALIZED PARLIAMENTARY COMMITTEE:

Previously, The Chief Justice of Supreme Court of Pakistan was chosen from the 17 most senior judges. But now, through this 26th amendment, a specialized parliamentary committee is formed by 12 members - 8 from National Assembly, 4 from Senate. This committee will choose the Chief Justice by 2/3rd majority.

## 2. ESTABLISHMENT OF JUDICIAL COMMISSION OF PAKISTAN:

Previously, for the selection of other judges, there was a parliamentary committee referred as constitutional council. But now, through 26th amendment, both emerged to Judicial Commission of Pakistan - which now scrutinize the activities of judges of High Court, then on the basis of their activities, they will be appointed as judge in Supreme Court.

### 3. ESTABLISHMENT OF CONSTITUTIONAL BENCH:

In the past years, many decisions were pending in supreme court of Pakistan. But now, a constitutional bench is formed for quick decisions. This bench will review the constitutional activities and hurdles in judiciary.

### 4. ADDITION OF FUNDAMENTAL RIGHTS:

In 26th constitutional amendment, Article 9(A) is added as the fundamental right of citizens for healthy and sustainable environment.

### 5. PARLIAMENTARY AUTONOMY:

The members of parliament are public representatives, who were dismissed by judiciary which was question on public choice. Now, the parliament granted power to reign the constitution.

## CRITICAL ANALYSIS : BALANCE BETWEEN JUDICIAL INDEPENDENCE AND PARLIAMENT :

Like other amendments, this 26th Constitutional amendment has also criticized for balance between judicial independence and parliament. The strengths and weaknesses of 26th amendment are as follows :

### STRENGTHS :

#### 1. REMOVAL OF MISUSE OF POWER :

26th constitutional amendment remove the misuse of power both in judiciary and parliament. Chief Justice will be selected by 2/3rd majority and parliament also has some limitations.

#### 2. ADDITION OF FUNDAMENTAL RIGHTS :

By noticing the current climate situation, fundamental right of citizens having sustainable environment through Article 9(A) is also a major strength of this amendment.

### 3. AUTONOMY GRANTED TO PARLIAMENT:

Through 26th amendment, parliament granted autonomy of not dismissing by the judiciary.

#### WEAKNESSES:

##### 1. DECLINE OF JUDICIAL INDEPENDENCE:

The major weakness of 26th amendment is decline of judicial independence. The power of judiciary to protect fundamental rights and constitution is removed.

##### 2. POLITIZATION IN JUDICIARY:

The selection of judges through parliament will create politization in judiciary. Now judges will seek resources from politicians to be appointed.

#### CONCLUSION:

In a nutshell, this amendment is the decline of judicial independence and reign of parliament on the constitution.

Q.7

Pakistan is a semi-industrialized country with heavy dependence on the agricultural sector, the problems in later affects the former. Elucidate

INTRODUCTION:

Pakistan is a semi-industrialized country with heavy dependence on the agricultural sector. From 1947, Pakistan has <sup>been</sup> facing industrial decline due to unfair division of industries between India and Pakistan. This industrial decline is now affecting the agricultural sector. Former faces the problems of declining prices of crops and climate change also affects the agricultural growth. Economic ~~the~~ instability in the country and devaluation of PKR directly or indirectly affecting the former.

the worsening condition

## HISTORICAL BACKGROUND OF INDUSTRIAL SECTOR OF PAKISTAN:

Since its inception, Pakistan has been facing problems in industrial sector.

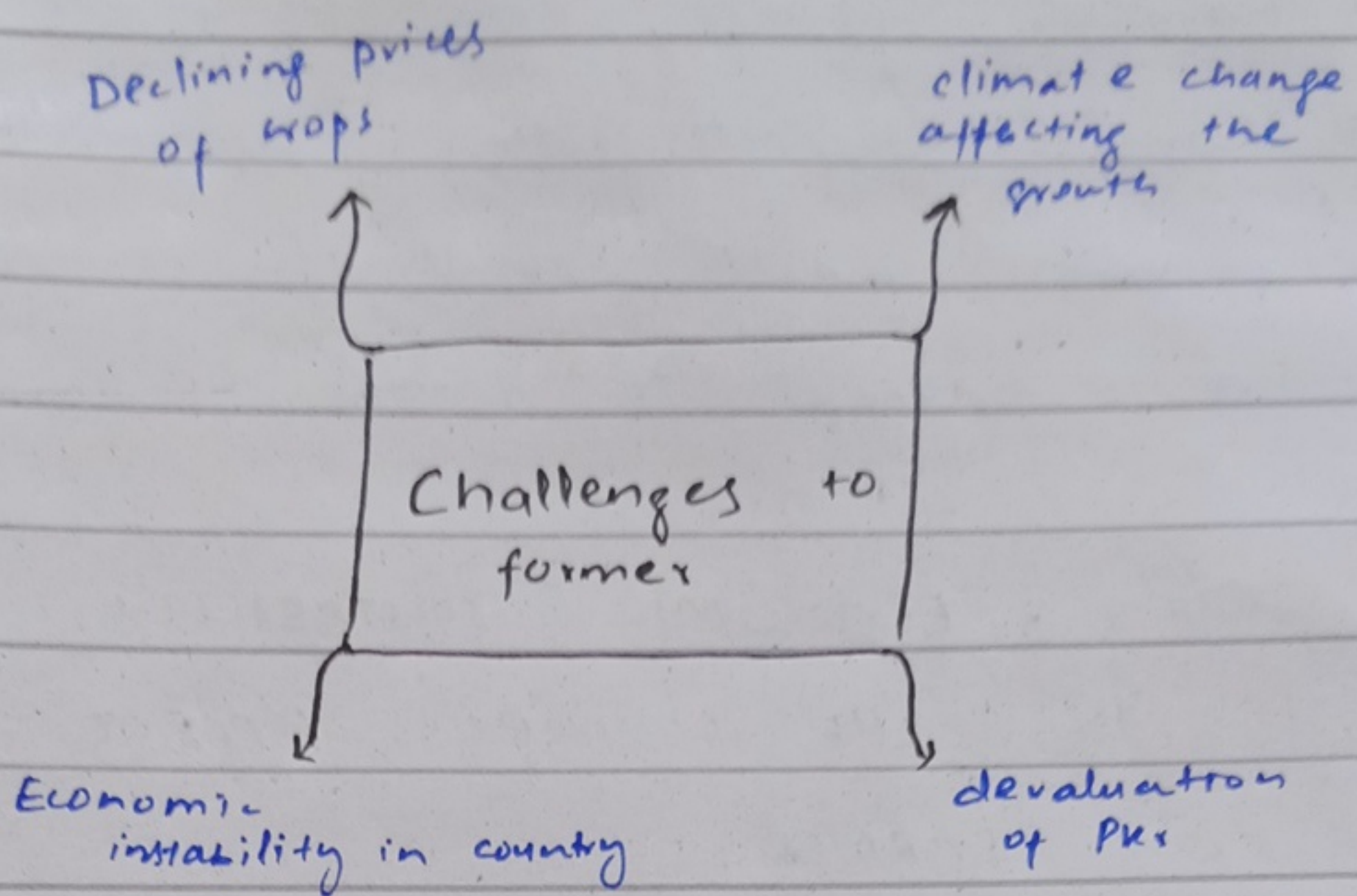
This major reason behind industrial decline of Pakistan's industrial sector is the unfair division of industries at the time of partition in 1947. India was granted high income producing industries while Pakistan was given low income industries.

## CHALLENGES TO FORMER: SEMI-INDUSTRIAL COUNTRY WITH HEAVY DEPENDENCE ON AGRICULTURAL SECTOR:

Pakistan is semi-industrialized country with heavy dependence on agricultural sector. Due to this, the farmers in Pakistan are facing many challenges.

to trigger  
the worsening conditions





## 1. DECLINING PRICES OF CROPS:

The farmers of Pakistan are facing problems of declining prices of crops. Since last few years, this problem affected the farmers badly. The farmers even can't get the invested prices in the agricultural sector. Resultantly, they become impatient and stop farming.

## 2. CLIMATE CHANGE: AFFECT ON AGRICULTURAL GROWTH:

Another major reason to trigger the farmer is the worsening conditions of

Climate change. The climate change affects the agricultural growth which resultantly proved a challenge to farmer.

### 3. ECONOMIC INSTABILITY

IN THE COUNTRY: AFFECT ON FORMER:

The worsen economic instability in Pakistan, is a major decline of all sectors. This economic instability also affects the agricultural sector. Farmers get fertilizers of heavy prices but the prices of crops are very low.

4. DEVALUATION OF PKR:  
AFFECT ON FORMER:

Devaluation of PKR is directly or indirectly affecting the farmer. This devaluation of PKR results in low price rates of crops and high price rates of fertilizers, affecting the farmer.

many

interest

## CONCLUSION:

Semi-industrialization of Pakistan is affecting the former directly or indirectly. As Pakistan is heavily dependent on agricultural sector. Agricultural sector produce 38% workforce but still farmers are facing many challenges due to industrialization decline.

## Q.5

Pak-Afghan relations are now more of Economic nature than that of security and influence of Non-State Actors. Critically Evaluate.

## INTRODUCTION:

The relationship between Pakistan and Afghanistan always remain hostile due to security reasons. Tehrik Taliban Pakistan (TTP) use Afghan land as a launching pad to attack on Pakistan. ~~The~~ TTP

is the main concern between both countries. But now, both countries are heading towards economic nature of relations. Both countries are members of many international organizations. Islamabad - Kabul river is also the main concern. Afghanistan, recently joined meeting of Islamic countries on girls education in Islamabad.

### HISTORICAL BACKGROUND OF PAK- AFGHAN RELATIONS:

After 9/11 incidents, the relations between Pakistan and Afghanistan becomes hostile. Afghanistan blames Pakistan for giving chance to USA to use land of Pakistan to attacks on Afghanistan. But here the intentions of Pakistan were to get economic and diplomatic help from USA. Now, the reason behind current hostile relations is TTP who

is ~~also~~ using Afghan-land as a launching pad to attacks on Pakistan.

RELATIONS CONVERTING FROM SECURITY AND INFLUENCE OF NON-STATE ACTORS TO ECONOMIC NATURE :

1. ISLAMABAD - KABUL RIVER :

Islamabad - Kabul river is another problem after TTP between Pakistan and Afghanistan. 12 rivers flow between Afghanistan and Pakistan. But Afghanistan controlled many rivers. Islamabad - Kabul river is also one of them.

2. MEMBERSHIP IN INTERNATIONAL ORGANIZATIONS :

Both Afghanistan and Pakistan also commonly members of many international organization. At the time of Pakistan joining United

Nations Council, Afghanistan  
opposed to join Pakistan.  
But still many countries are  
common members of many  
international organization.

### 3. RECENT MEETING OF ISLAMIC STATES ON GIRLS EDUCATION:

In recent days,  
Islamabad hosted a meeting  
of Islamic states regarding  
promotion of girls education.  
Afghanistan also joined this  
meeting. But before that,  
Afghanistan banned the  
higher education of girls.

### 4. TRUMP 2.0: IMPACT ON PAK- AFGHAN RELATIONS:

Trump 2.0 can also  
impacts the relations of  
both countries. Pakistan is  
trying to keep good relations  
with Trump. While Trump  
needs only stability of  
America, on this regard  
he can put sanctions on

appear.

Afghanistan due to hostile relations  
in past between Afghanistan  
and USA.

### CONCLUSION :

In a nutshell, Pakistan  
and Afghanistan relations are  
now more of Economic nature  
than that of security and  
influence of Non-State Actors.

As the world is shifting  
from geo-strategic to  
geo-political. Therefore both  
countries are now competing  
on economic forums.

### Q.4:

Climate change is  
not only a threat to  
environment, but also the  
economic security of  
Pakistan. Without Population  
planning and proper mitigations  
strategies, climate-induced  
disasters in Pakistan  
would become more

intense. Evaluate and suggest  
way forward.

## INTRODUCTION:

Climate change is  
one of major issue in  
Pakistan at this time  
of crisis while fighting  
with economic decline  
and political instability.  
Climate change is not  
only a threat to environment,  
but also the economic  
security of Pakistan. As climate  
change impacts agricultural  
sector, create health risks  
and cause climate disasters.  
Pakistan's heavily dependence on  
non-renewable energy resources  
also cause economic decline due  
to impact of hydrocarbons.  
While these issues can be  
mitigated by proper strategies,  
reducing climatic risks by  
population planning and  
transition to renewable resources.



## HISTORICAL IMPACTS OF CLIMATE CHANGE ON ECONOMY OF PAKISTAN:

Pakistan is facing economic instability since its inception. One of the major reasons behind the economic decline is climate change. Climate change affects badly the economic sector which produces 38% workforce and contributes majority in GDP of Pakistan.

## ECONOMIC THREATS DUE TO CLIMATE CHANGE:

### 1. IMPACT ON AGRICULTURE:

Climate change affects the agricultural sector badly. Climate change events such as repeated floods, heavy rainfalls, unpredictable smog affects the agriculture. Agriculture contributes major part in GDP of Pakistan and now facing issues due to climate change.

## 2. CLIMATE DISASTERS: AFFECT INFRASTRUCTURE AND POPULATION:

Unpredictable climate change problems affect the infrastructure and population which results in decline of economic security of Pakistan.

## 3. HEALTH RISKS DUE TO CLIMATE CHANGE:

Climate change leads to health risks which is indirectly a threat to economy. Recent smog in Pakistan created many health risks i.e.: respiratory diseases and asthma.

## WAY-FORWARD TO MITIGATE CLIMATE CHANGE THREATS:

### 1. PROPER MITIGATION STRATEGIES:

There is need of proper mitigation strategies to

fight against climate threats.

Specific strategies can help Pakistan to perform well in environmental as well as economic sector.

## 2. POPULATION PLANNING,

Population planning is one of the major steps towards fighting against climate risks. High population results in use of high transportation, industries and non-renewable energy. Pakistan can reduce the climate risks and increase economic growth by proper population planning.

## 3. TRANSITION TO ~~NON~~

### RENEWABLE ENERGY RESOURCES:

Pakistan can reduce the impact of climate change on economy by transitioning from non-renewable to renewable energy resources.

Non-renewable energy resources are imported which are costly due to rising price of

dollar against PKR. And it also cause climate change due to carbon emission.

while transition to renewable energy resource can be useful for economy.

CONCLUSION :

Climate change is major contributor to economic decline of Pakistan. Pakistan can reduce its impact by adopting some preventive measures.