

## PART II

### QUESTION NO 3

#### Aligarh Movement

It was a movement lead by Sir Syed Ahmed Khan. Aligarh Movement breathed life into the consciourness of a distinct entity among Muslims through its education. Later, its services become the foundations of Pakistan. One of the objectives of Aligarh Movement was to persuade the Muslims of subcontinent to obtain both religious and western education. So, in this way he breathed life into the consciourness of a distinct entity through education. Education created awareness among the Muslims and gave them a sense of Muslim nationalism. Later on, Aligarh movement become the foundations of Pakistan, as it further strengthened Two-nation theory and Muslims demanded separate nation for them.

#### Educational Services

In 1875, he first created M.A.O School. It later on become M.A.O

College in 1877. Finally in 1920, it became M.A.O University.

### Education Committees

He also established educational committees in 1870. Committees are established for interdisciplinary studies.

### Muhammaden Educational Conferences

Conferences are usually arranged for international learning. In 1886, Muhammeden Educational Conference was established and it was first mouthpiece of Aligarh. It provided **1<sup>st</sup> political platform** for Muslims and raised the consciousness of a distinct identity, because it led to the creation of All-India Muslim League later on. Muslim League was founded, because Muslims realized that they are different from Hindus and needed separate party for them.

### Political Awakening

His services led to political awakening among the Muslims, who realized that they needed separate homeland for them and strengthened **Two-Nation theory**.

### Two Nation Theory

According to the Two-Nation theory Muslims and Hindus are two separate religious nations with different religion, ideology and background.

He was the one who gave the sense of Muslim identity for the first time.

It can be illustrated from the fact that he opposed Muslims to participate in any activity of Congress as it was dominated by Hindus. Furthermore, he also protected Urdu in Urdu-Hindi controversy which took place in 1867.

In Imperial Council Sir Syed Ahmed Khan said that "Muslims are separate Nation".

### Muslims Demanded Separate Electorate Due To Political Consciousness

Sir Syed Ahmed Khan's Aligarh Movement enlightened the minds of Muslims and they demanded separate electorate for themselves.

### Aligarh As Arsenal of Pakistan Movement

Quaid-e-Azam declared Aligarh as arsenal of Pakistan Movement. This clearly indicates that this movement become the foundations of Pakistan.

"Hindi-Urdu conflict is the starting of the space of separation between Hindus and Muslims and will gradually increase and a day will become when both the nations will be separate from each other."

- Sir Syed Ahmed Khan -

This statement clearly indicates that he demanded separate nation for both Hindus and Muslims.

### Platform For Political Leadership

Aligarh movement provided a platform for Muslims, from where many political leaders emerged. Leaders like Liaquat Ali Khan, Mohsin-ul-Mulq, Waqar-ul-Mulk and Johar brothers were graduates of Aligarh university.

They all demanded separate electorates for Muslims in the subcontinent.

By and large, it can be said that Aligarh movement played an important role in the creation of Pakistan as it created political awareness among Muslims through educational services.

### QUESTION NO 8

#### Critical Evaluation Of 26<sup>th</sup> Amendment

26<sup>th</sup> Amendment was passed on October, 2024 by the parliament of Pakistan. It raised concerns among the legal community in Pakistan due to its controversial nature. It is essential that 26<sup>th</sup> amendment must be critically evaluated on the constitutional principles for the balance between judicial independence and parliamentary oversight.

## Critical Evaluation

Most of the legal experts are of the view that 26th amendment is unconstitutional as it direct attack on the independence of judiciary, because of the role of government / parliament in the selection of judges of the Supreme Court.

## Disturbed Separation of Power

Balance of power is essential for the normal functioning of each organ of the state. The main purpose of it is to prevent any single institution from being extra powerful. The power should not be concentrated in the hands of a single organ of a state. 26th amendment gives the right to Parliamentary Committee to select judge for the Supreme Court. It means that government interference in the judiciary will increase. Hence, it disturb the separation of power.

## Remarks of International Commission of Jurists On 26th Amendment

"It is alarming that constitutional amendment of such great significance was passed secretly in less than 24 hours"

- ICJ declared the amendment as blow to the independence of judiciary

## Why 26th Amendment Is Controversial

### Role of Parliamentary Committee

Parliamentary committee after 26th amendment now consists of **12 members**:

- 8 members from National Assembly
- 4 members from Senate

They will select Chief Justice of Supreme Court from 3 most senior judges. It is probable that they select judges of their own choice and also the judges could try to please the sitting government so that they are selected for the post of Chief Justice. In this way, interference of government will increase.

### Changes in Judicial Commission of Pakistan

JCP of Pakistan has been granted right to select the judges of constitutional benches. New members have been added to the JCP:

- 2 members from National Assembly
- 2 member from Senate

$\frac{1}{3}$ rd membership of JCP comes from the government. It indicates that government will also play role in selecting judges of the constitutional benches as well. It is clear infringement on the independence of judiciary. Judiciary has been politicized and it is possible that judges will favour the government in political matters.

### Creation of Constitutional Benches

Constitutional Benches have been created to resolve the political cases. The members will be selected by JCP, where  $\frac{1}{3}$ rd membership comes from the government.

### Evaluation of Performance of Judges By Judicial Commission

It is the direct attack on the independence of the judiciary as JC will evaluate the performance of high court judges. Again, here government role is visible in interfering in the judiciary.

### Suo Moto Powers

Power of the Supreme Court to take suo moto has been taken away in the 26th amendment. Earlier, Supreme Court could take suo moto if necessary, but now the powers of Supreme Court have been restricted.

### Restricting Power of Supreme Court

Supreme Court power has been restricted because, SC is not allowed to practice appellate, original and advisory jurisdiction except for the constitutional benches. Also, Supreme Court judges can hold the office until the age of 65.

### Reaction

26th Amendment has outraged the lawyers community and opposition. They arranged multiple protest against the passage of 26th amendment.

In a nutshell, it can be said that 26th amendment has undermined the powers of judiciary and extended the power of parliament culminating in disturbed separation of power.

## QUESTION NO 2

### Religion Driven Nationalism In India

#### Nationalism

It is defined as extreme form of patriotism. It is a movement that promotes the interest of the particular nation and with the aim of gaining sovereignty over its territory. There are different kinds of nationalism like nationalism as expansionist ideology, nationalism as extreme isolationist ideology and nationalism as separatist ideology.



Currently, new wave of nationalism emerged in India under the leadership of **Modi**. The nationalism is driven by religion that has been constructed throughout the history of India.

### Modi's Concept of Hindutva

It is a form of religious driven hindu nationalism that emphasize the identity of Hindus in Indian. Under Modi's leadership, this concept has become more prominent and significance. This concept is one of the determiners of the foreign policy of India under the leadership of **Baharatiya Janata Party**.

### Religious Policies

→ Modi has advocated for the construction of **Ram Mandir in Ayodhya** and the **destruction of Babri mosque**. The demolition of Mosque, clearly pinpoints the religious driven nationalism that is deeply entrenched among Hindus of India.

# Citizenship Amendment Act

It was passed in India, that allows the persecuted non-Muslims from neighbouring countries to gain citizenship. The main purpose is to unite Hindus of the subcontinent to again create **Akhand Baharat**.

## Derogatory Language for Muslims

Modi has used discriminatory and derogatory terms for the Muslims living in India. In a public rally during his election campaign, he used the word 'infiltrators' for Muslims.

## Historical Narrative

### Golden Age of Hinduism

Rule of Ashoka is considered as golden age of Hinduism where he spread vedic knowledge across the subcontinent. It gave them a sense that Hindus are superior from other races.

### Colonial Rule

→ Shuddhi and Sanghatsan movement before the independence of sub-continent indicates the mindset of Hindus as they wanted to spread Hinduism ideals and were forcing Muslims to convert to Hinduism.

→ British adopted the policy of divide and rule and categorize society into religious communities.

During colonial rule, the religious practices were often categorized under the umbrella term **Hinduism**. It played an important role in shaping collective Hindu identity.

### Persecution of Muslims

Muslims were oppressed under the colonial rule. Hindus used to beat Muslims for slaughtering cows which they considered as sacred.

### Formulation of Hindutva Ideology in 20th Century

It is a concept of unified Hindu identity. He defined the identity of India through Hindu cultural and religious symbols, despite the fact that there are a number of Muslims in India too.

### Revivalists Movements

Revivalists movements like **Arya Samaj** founded by **Swami Saraswati** also played an important role in shaping collective Hindu identity. It reawakened religious consciousness among Hindus.

### Partition of India On The Basis of Religion

The subcontinent was divided into Pakistan and India on the basis of religion. Majority of Muslims migrated to Pakistan and majority of Hindus

remained in India.

## Formation of RSS

RSS created by Keshav Baliram aims to unify all Hindus and promote religious identity through activities. It laid the foundation of political movements centered around religious driven nationalism.

Nationalism has been declared as a negative force by Toynbee, because it promotes fundamentalism. However, this ideology is deeply entrenched among Hindus due to the narratives created by early leaders of the subcontinent.