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Test# 2

Pak Affairs

10/5

Question # 1:-

Pakistan's Political culture is marred with extreme polarization. Explain and suggest remedies.

Introduction:

Pakistan is a democratic country. Pluralism is a key term to democracy, often containing the concept of tolerance. It means the the opinions, belief and ideas of rivals are tolerated in respectful way. However, when pluralism lacks tolerance and works for its own p benefits, subjugates the rivals or opponents, polarization arises. Pakistan's politics is marred with extreme political polarization with events like military intervention, feudalism, dynastic politics, rise of dictatorship and harsh political environment. These have resulted into political instability, lack of awareness among masses. Therefore, various steps like socialization, educating masses and imposing strict penalties should be implemented.

I. The Features or Flaws in Pakistani Political Parties:-

The political parties in Pakistan are having some flaws- In the words of Awwaz H. Syed in his book The Idea of Pakistani Nationhood:-

“Political parties in Pakistan are dominated by feudal ethos that pervade politicians, these ethos results in shifting loyalties, intolerance of rivals, increased expectations of subserviences from lower orders, Enhancement of violence, Disregard of Law, Lack of public interest, and consequent readiness to corrupt or be corrupted and subservience to great concentration of power.”

Following are the features of political parties in Pakistan-

A. Ongoing Concept of Dynastic Politics:-

The political structure in Pakistan is often dominated by dynastic politics- As according

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to the article Dynastic Politics in Punjab: Facts, Myths and Ideas working and Hassan Javid, and Ali Cheema; the dynastic politics in Pakistan enjoy a subsequent power. Since the dynastic families include ^{"Electors" from} their family members, the chance of increase. Moreover, they make alliance only with those who are also having such similar form and also on the basis of cost-benefit analysis.

B. Absence of Intra-Party Elections:

Intra-party elections are a key way to achieve democracy in a country. However, in Pakistan this concept is missing. According to

I. Delma:

"Most political parties look like crowd of people's heads without any brains"

The political parties only do rallies and campaigns and lack any form of Intra party elections.

c. Politics of Opportunism and Cost Benefit Analysis

The political parties in Pakistan only focus on their benefit. They only measure the

Cost and analyse their benefit and then make alliance only where they feel opportunity-

D. Authoritarian Rule of Party Leaders:-

In a political party, the representatives or electives do not have any power to present their opinion. Therefore, their opinion has no difference with their leader's. The party leader has an authority to select them, decide their perks and privileges and can often remove them if they do not present their views according to him. A very renowned person said that there is no difference between authoritarianism and democracy in Pakistan.

E. Polarized and Harsh Political Environment:-

The current political environment in Pakistan is very toxic. According to Maleeha Lodhi, the political leaders use harsh words. Moreover, instead of competing with rivalries they used harsh words against each other. The reason is that due to public frustration, leaders use harsh language.

against each other. Moreover, they do not have any plan in their party to further make progress.

F. Weak and Self-centered Politicians:-

In the words of Hassan Rizvi,
"Most political leaders view democracy as a mere weapon against rivals."

Since the politicians only work for their own benefit - They consider their opinions as good and often criticize rivals and punish them just to get their own benefits.

II. The Features of Election Process in Pakistan Politics:-

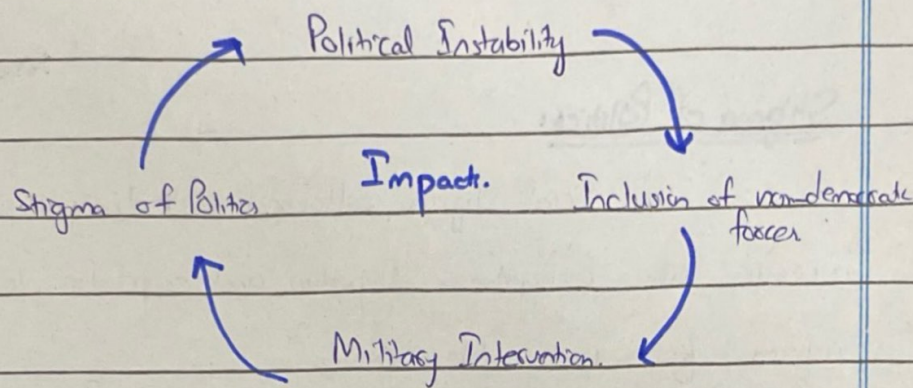
The political culture of Pakistan spans around following four features in ^{its} election process:

- (1) Rise of Baradari System
- (2) Factors of Ethnicity
- (3) Cost Benefit Analysis
- (4) Most of the time "rigging"

All these features contribute to the advancement of

political polarization in the country.

Impacts of Political Culture on Pakistan's Politics:



I. Political Instability:-

when the opposition's opinions are not respected in a democratic government; there are great chances of political instability like the lack of trust of public on government and misuse of power.

II. Inclusion of non-democratic forces:

The elected government fails to perform in their regime, then the influence of non-governmental forces increases like religious leaders or foreign actors.

III. Military Intervention:

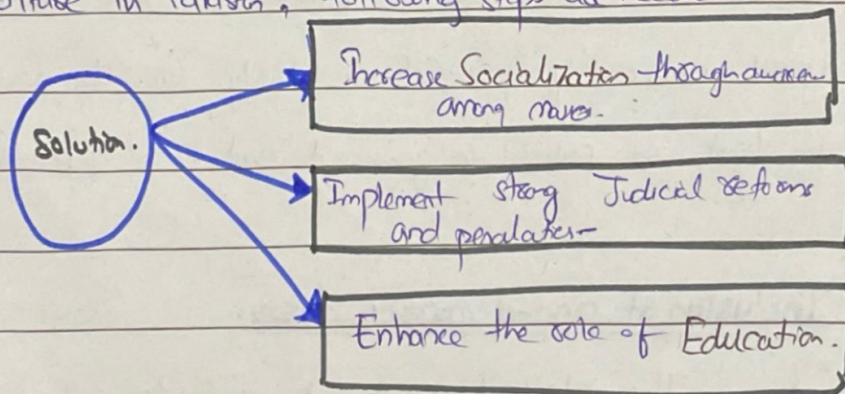
The rivals among the political parties, as existed from Pakistan's history, resulted in the intervention of military in state affairs with the implication of Martial Law.

IV. Stigma of Politics:

The social stigma attached with the politics increases like corruption, nepotism and corrupt people refrain from coming into politics.

Possible Solutions to ^{Mitigate} ~~Foster~~ Political Polarization:

To mitigate the impacts of ongoing political culture in Pakistan, following steps are needed.



Conclusion:

Pakistan, being an independent and democratic country still face the issue of political polarization which is contributing

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badly to its political environment- It resulted into political instability, rivalries, intervention of external forces to state - Therefore, the urgent need is to address these issue.

Question # 2:-

Explain the main contours of passed 26th Amendment in Pakistan, particularly in the Context of Independence of Judiciary-

Introduction:-

Throughout the history, Pakistan's constitution ¹⁹⁷³ has gone through various amendments. The recently passed constitutional amendment i.e. 26th amendment is termed as "Constitutional Package"- The amendment mostly focused on Judicial power, and some other fundamental rights - The amendment is criticized for being termed as curtailing the political power of Judiciary through amendments including

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change in Judicial Commission of Pak, ^(JCP) Su-
Moto power of Judges, appointment procedure
of Judges and accession rule for Election
Commission of Pakistan (ECP) member-

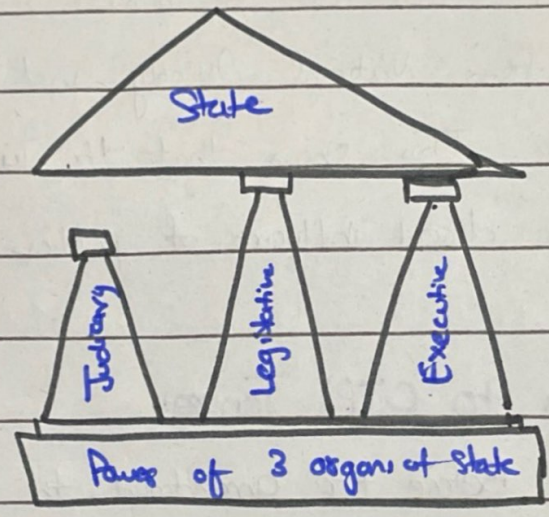
A Brief Introduction to 26th Constitutional Amendment:-

The 26th constitutional amendment of Pakistan is known as "Constitutional Package" which was passed on Oct 20, 2024. The constitution passed with $\frac{2}{3}$ rd majority from both ^{house} of parliament. Moreover, the initial drafted amendments were a total of 56 amendments and then reduced to 27. However, the amendments were kept in room and public was not given any information before its approval.

Major Judicial Amendments in the 26th Constitutional Amendment:

The focus of these amendments were majority on the Judicial branch of government-

Pakistan is a democratic country with three pillars as executive, legislative and Judiciary; each having separation of power. However, with the 20th amendment, the Judicial organ's power has reduced to half and came under the legislative which is a major blow to democracy in the country.



I. Changes in the Appointment Procedure of Chief Justice of Pakistan:-

Earlier the Chief Justice of Pakistan was to be automatically ^{became} ~~the~~ one who was the most senior. However now the amendment in article 175A shows that CJP ^{was to be} appointed from among the top 3 judges by the

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Special Parliamentary Committee-

II. Introduction and Structure of Special Parliamentary Committees-

The Special parliamentary committees are formed to select the ^{among} top 3 judges, the CJP and the structure of committee consists of 12 members - out of 12 members, 8 were to be from National Assembly and 4 from the Senate - This shows that the Judiciary came among the direct influence of politics.

III. Changes to CJP's Tenure:-

Before the amendment, the CJP's tenure was not defined - He ~~can~~ ^{could} rule upto 65 years of age - However, after 28th amendment, the tenure of CJP was fixed to three years whether he is 58 years or 60, it does not matter.

IV. Reduction of Suo Moto Powers:-

Through the amendment, these ~~also~~ ^{also}

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came some changes in the jurisdiction power of Supreme Court - The Supreme Court cannot initiate the suo moto power. Moreover, it can now transfer the cases between high courts.

II. Changes in the Duties of JCP's Role:-

The Judicial Commission of Pakistan (JCP) can now directly share the name of nominated Judge to the Prime Minister (PM). Moreover, the JCP can establish the criteria for the Judges and judges could be punished if they will not fulfill the criteria.

III. Inclusion of Constitutional Benches:-

Special Constitutional benches would be formed to deal with the cases of political issues and related to constitution. These judges were to be selected by CJP.

Some Other ^{articles of} Constitutional Amendments in the 25th Amendment:-

The 25th constitutional amendment also

introduced some other forms of changes like the elimination of Riba, right to clean Energy and environment. Moreover, it also included that if cabinet or PM pass any amendment, it could not be challenged in the court. Finally, it included an article which says that members of ECP would remain in their seat until a new one is not appointed.

The Comments of International Covenant on Civil and Political Rights (ICCPR) on 26th Amendment of Pakistan:-

The ICCPR viewed the 26th amendment as a blow to the powers of Judiciary and its independence.

In the word of International Commission of Jurists (ICJ):

“The 26th Constitutional amendment passed by Pakistan's Parliament is a blow to Judiciary, rule of law and Human Right Protection.” ~ ICJ

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In the words of ICJ: Secretary General:

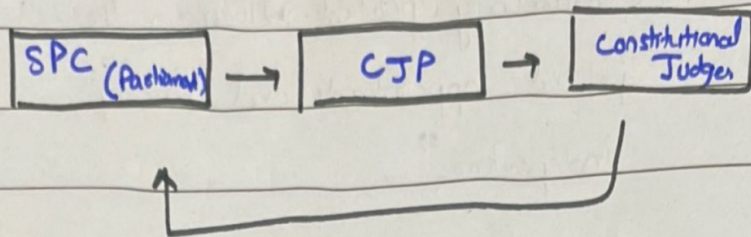
“The amendments bring an extraordinary political influence on the judicial appointments and Judiciary's independence.”

26th Amendment - A Blow to Judiciary's Independence in Pakistan:-

Pakistan is a democratic country having a concept of independence and separation of power among its three organs. However, the passage of 26th amendment curtailed the powers of Judiciary and gave it in the hands of legislature. The ^{sole} purpose of the amendment was to cut the feathers of judiciary and make the parliament as the most powerful and supreme organ. It is evident from the above discussion and through following points:

- (1) A separate constitutional bench formed which ^{is} ~~was~~

to be controlled by CJP and CJP ~~is~~ now to be appointed by legislature's based Special Parliamentary Committee (SPC).



Hence, the legislature ^{now} would have direct control on all powers of judiciary, i.e. appointing judges as their own will, making amendments ^{according} to their own will. Moreover, the go politics can now appoint their favourite Judge, their own amendment, and transfer cases between courts.

Conclusion:

Several amendments have passed in the history of Pakistan since its constitutional formation. However, the 26th amendment is a major one as it is totally based on Judicial reforms. This amendment affected the powers of Judiciary and expressed it by making it under the legislature. Moreover, there is no defined

Criteria for the evaluation of judges which hit their independence. The major changes as discussed in the question show that 25th amendment was aimed only to cut the powers of judiciary and make the government and legislature more powerful.
