

Date: _____

(1)

Q No 2:-

Answer:

(i) Introduction

(ii) A Brief overview of the 26th Amendment

(iii) Incentives factors behind the 26th Amendment with the special reference to judiciary

(a) Controversal Appointment Mechanism of the judiciary

(b) ~~Excessive~~ Excessive Judiciary Interference/
Excessive Judiciary activism

(iv) ~~Contros~~ Recently Passed Constitutional Amendment with the Special Reference of judiciary

(a) Establishment of ~~judiciary~~ parliamentary Committee for judiciary appointment

(b) Establishment of judicial Commission

(c) Commission of Evaluation of judiciary Performance

(d) Limiting the judiciary Activism:
~~take~~ took away suo moto power

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(2)

(v) Understanding the Amendment through the Prism of Judiciary Independence

(a) Oversight of parliament in Judiciary

(b) Taking away the inherent

Power of judiciary: *Suo motto*

(c) Judiciary Performance subjugated

to ~~part~~ legislative members

(vi) Understanding the Amendment through the Prism of parliamentary form of Government

No need for a detailed outline for a 20 marks answer

(vii) Concluding Remarks

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Date: _____ (3)

(i) Introduction:

The 26th Constitutional amendment, Pakistan being parliamentary form of government, is a significant milestone for ensuring a smooth democratic evolution. It, after the 18th amendment, deems the 2nd and greatest amendment in the constitution of Pakistan. The main concern subject is the independence of Pakistan in being federating and parliamentary system. This constitutional amendment deals with the power and appointment of judiciary. It, to analyse with the prism of judiciary independence, limit the power of judiciary. However, according to the broader perspective, it will ensure the progress of democratic evolution in Pakistan.

(ii) Brief overview of the 26th Amendment:

26th
Amendment was passed from the Senate on 20th October and from national assembly it was passed on 21th October 2024.

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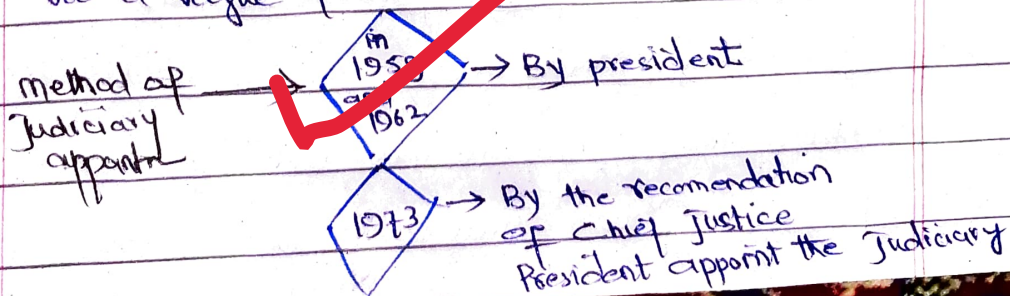
after the 18th amendment, it is the greatest amendment in the Constitution of Pakistan. It comprises 27 clauses. The main subject is the appointment and the power of judiciary. Besides it has some other miscellaneous subjects.

(iii) Incentives factors behind the 26th Amendment with the special reference to judiciary ~~independ~~

The system of Pakistan is a confusion of two distinct and constricted features: parliamentary and federation. So it makes difficult to decide the power of ~~state~~ ~~with~~ ~~the~~ judiciary. This thing historically irritated the democratic evolution.

② Controversial Appointment of the judiciary.

until the 26th Amendment, the appointment of the judiciary was a vague process.



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the ~~form~~ 26th Amendment.

(IV) Controus of recently passed constitutional amendment with the special to

Judiciary:

As mentioned early, this constitutional amendment deals with the power and appoint of judiciary.

The following basic amendment about the judiciary took place:

(a) Establishment of parliamentary Committee for judiciary appointment:

According to ~~Art Article 175A~~ 175A, 'for appointment of judiciary a parliamentary committee will come into being. it will Comprises of 12 members. and 8 of them would belong to National assembly and four the remainig four from Senate. $\frac{2}{3}$ rd majority would be needed for judiciary appointment.'

(b) Establishment of judiciary

Commission:

Another important alteration, the enstrengthening of judiciary Commission

Also mention the article numbers amended as references

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Composed by fifteen members. eight of them would from the ~~electable~~ elected people, one would be ~~technical~~ and the ~~venue~~ from judiciary.

© Commission of evaluation of chief

Justice Justice performance:

Besides

the establishment of ~~the~~ ~~recom~~ relation of chief justice of Pakistan to parliamentary committee, it will have to examine the annual performance of ~~the~~ chief justice of Pakistan.

④ ~~has~~ taken away ~~a~~ Suo ~~in~~ moto

Power from judiciary.

Another significant

change in the power of judiciary is ~~too~~ taken away its Suo moto power. Now judiciary is restricted to not intervene within any public institution or individual matter without proper action under a petition/application

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(vii) Understanding # 26th Amendment through the prism of judiciary independence:

The concern subject shranked the power and ~~interest~~ oversighted the ~~by~~ legislature in the ~~of~~ the appointment of judiciary. To understand these amendment through this lense, ~~the~~ the lesson may be taken:

(a) Oversight of parliament in the appointment of judiciary:

Before the 26th Amendment chief justice used to appoint by ~~seniority~~ basis. Now the establishment of parliamentary ~~Committee~~ Committee and increased the number of elective ~~members~~ members in the judiciary commission. It reflects that parliament acquire the control of the appointment of judges.

(b) Took away the inherent Power of judiciary: *Suo motto:*

Furthermore,

Add and highlight references

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against these arguments

this Constitutional amendment also took away of the power of suo motu. In a sense, it deprived Judiciary from ~~their~~ its inherent power. Therefore, it limited the independence of the judiciary.

© Judiciary performance subjugated to legislative members:

Moreover,
another check of the judiciary Commission wrenched its power. As its annual performance will be evaluated by judiciary Commission where legislative members have high proportional.

(ii) Understanding the 26th Amendment alteration in judiciary through the Prism of parliamentary form of Government:

Pakistan being parliamentary and simultaneously having independent judiciary, it always created irritants

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In the way progressive evolution of democratic system. Therefore, it is the essence of parliamentary form of government to maintain the supremacy of the parliament. Therefore, this constitutional amendment, in this regard, will ensure a true parliamentary form of government. As it reduced all the power of judiciary which vests democratic system in Pakistan.

(vii) Conclusion :-

The 26th Amendment deals with the subjects of judiciary. More specially, it reduced the power of judiciary, and hands over the authority of the appointment of judges to parliament. To observe it in isolation, it reflects that this amendment shranked the independence of judiciary. However, in the broader sense, this amendment will ensure a progress movement to democratic evolution in Pakistan.

Q No 1:

Answer:—

(i) Introduction

(ii) Contextualizing the political
Culture of Pakistan...

(iii) Understanding how political
Culture is married with
Extreme polarization

(a) Always a tug of war between
Government and opposition in parliament

(b) Zero sum politics

(c) Elite polarization

(d) Mass polarization

(iv) Incentive factors behind
the ~~cultural~~ Political culture
Polarization:

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(a) Absence of middle class in Politics

(b) Political Opportunists

(c) Elite ~~manipulating~~ manipulating the Poor grievances

(d) ~~Political~~ Hijacked media

(v) Remedies for eradicating political Cultural polarisation:

(a) Consensual democracy

(b) Political Literacy

(c) Vanishing ~~of~~ dynastic politics

(vi) Conclusion:

* — * — * — * — *

(i) Introduction:-

People's ideas, values and attitudes toward politics and political ~~toward~~ institutions are always found on the two extreme. ~~to~~ the political debate; whether it is in parliament or among mass, always based on the concept of us versus them. The infant political

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society exists some incentive factors which fuels the political polarization.

However, it ~~may~~ be overcome with adopting some zenith political principles from ~~highly democratic~~ state a matured democratic state.

(ii) Contextualizing the political culture of Pakistan:

According to ~~the~~ the Book, "Pakistani nationhood," the political culture of Pakistan fall in the category of ~~no~~ parochial political culture, where people don't take part in politics, no political awareness, ~~but~~ high political illiteracy, and many ~~more~~ political evils ~~among~~ exists in mass. However, the Pakistani ~~elite~~ political elites easily manipulate them to ~~ex~~ use them as tool in the democratic system.

(iii) Understanding how Pakistan's Political culture married with extreme Polarization:

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In this infant political society, one main problem is polarized political culture. ~~It~~ it creates hindrance in the way of ~~de~~ democratization in a true sense. Let's to understand the existence of Political Culture polarisation.

(a) A tug of war between government and opposition:

Pakistan's parliament ~~hang~~ always hangs between two extremes. For example, this non-consensus politics in parliament has been ~~arising~~ ~~for~~ since the establishment of first Constituent assembly. In this same way, parliament was divided on both amendments. Both sides claim that their held stance would bring betterment to the country. They are always lies on the good versus bad.

(b) Zero Sum politics

Another prevailing mode of polarisation is the Zero Sum politics. Being majoritarian democratic

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States the decision of the majority, governmently superceed the minority, So it is also a form of political Polarization - Pakistan is grappling with.

© Elite polarization :

Power holding elites are appeared highly polarised. The dynastic politics is ~~the~~ an incentive factor behind the elite polarization. ~~Several~~ a few families are struggle for acquiring power. Therefore, they ~~is~~ was play blame game to hold the power.

© Mass ~~an~~ Polarization :-

^{Moreover,} Polarization among masses are being observed since long. The political illiterate mass ~~are~~ are easily manipulated by their political leaders so that it distribute mass in US. Versus them.

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(iv) Incentive factors behind political Cultural polarization:-

There are several factors lie behind the political Cultural polarization. Some of them are given below.

(a) Absence of the middle class:

The first reason behind high political polarization in Pakistan is the absence of middle class to provide a moderate ground. According to Aristotle, political philosopher, the elimination of middle class from political landscape, then the high polarise politics would shape political instability. This concept is entitle on Pakistan.

(b) Political opportunists:

Moreover, another factor is the expanding of political opportunists, which fuels the political polarization. For example,

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the formation of Pakistan democratic movement (PDM), many of politicians do not ~~take~~ adopt a moderate path but ~~are~~ ~~selecting~~ costing movement. they extend hand toward emergence alliance for the sake of personal interest. Similarly example can be found in the history.

© Elite manipulating the poor grievances :

Moreover, the another incentive factor is the elite manipulation of the mass grievance. it exacerbates the fear anger of the poor and the marginalised class so that they use it against their own opponent. Consequently, the poor took an extreme stance.

(v) Remedies for eradicating political Cultural polarisation

Pakistan ~~being~~ have an embryonic ~~part~~ democratic cultural. it will take to get mature. ~~however~~

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~~the alternative is to adopt some values, customs and~~

or the alternative is to adopt democratic culture, values and principles of some matured ~~to~~ countries. Some of ~~them~~ are given below:

(a) Consociational Democracy:

The best option ~~of overcoming~~ is a consociational democracy to overcome political polarization. ~~This type~~ As majoritarian democracy fuels the fire of polarization. However, the proportional based system will ensure the government and opposition to move shoulder-by-shoulder of one another.

(b) Ensuring political Literacy:

Furthermore, ensuring political literacy will reduce mass political polarization. ~~As~~ Being unaware, they ~~will~~ follow their own

Political leaders, even though
understanding ~~their~~ politician manifesto
however, it will enable mass to follow
politician on the basis of public interest.
Moreover, they will never disintegrate
if the politician get.

(iii) Conclusion :

Political Cultural
polarization is prevailing in the society
Pakistan. Being embryonic democratic
countries, ~~the Pakistan~~ it will
take time to ensure a friendly
and congenial democratic cultural. However,
by adopting some strategic measures,
Pakistan ~~with~~ may overcome the
Cultural Political Polarization