

Q # 04.

How 26th constitutional Amendment Affected the trichotomy of power in Pakistan? Discuss.

Introduction:

In an extraordinary overnight session on 21 October 2024, Pakistan's National Assembly passed the 26th Amendment to the 1973 constitution. Lawyers and the opposition called it biggest attack on the constitution. The jubilant Prime Minister hailed the newly passed 'constitutional package' as a historic day of Pakistan's democracy. Another senior leader Bilawal Bhutto asserted that the reform will be instrumental in curbing undemocratic forces within the judiciary and rekindling cooperation between the executive and judiciary.

1) Changes To judicial Appointments:
Revised judicial commission:

The Amendment altered the composition of the

judicial commission, which is responsible for nominating judges for the supreme court and High courts. previously, it has six judicial members and three non-judicial members. The amendment removed one judicial member and added five new members from the national Assembly, senate and the speaker of the national Assembly. This shifted the balance, giving the legislature and executive a larger say in judicial appointments.

"This change has been criticized for potentially undermining judicial independence by increasing executive and parliamentary influence."

Special parliamentary committee for CJP:

The amendment introduced a special parliamentary committee to nominate the chief justice of Pakistan from among the three most senior judges. This committee consists of members from the national Assembly and senate, effectively giving

the parliament a direct role in selecting the head of the judiciary. The most senior judge was automatically appointed CJP.

"The new CJP bears the responsibility of reevaluating the supreme court Rules, aiming to enhance clarity, efficiency and accessibility. Incorporating modernisation measures, digitisation, and leveraging information technology / digital intelligence can streamline legal procedures, improving judicial efficacy."

2) Effect on the trichotomy of power:

Legislature's Enhanced influence:

The 26th Amendment grants the legislature a greater role in judicial appointments, increasing its influence over the judiciary.

Executive's role:

The Amendment allows

the executive to appoint members to the judicial commission and nominate the chief justice, Judiciary's reduced Autonomy.

The changes undermine the judiciary's independence by giving the legislature and executive a greater say in judicial appointments and the selection of the chief justice.

"In essence, the 26th constitutional Amendment shifts the balance of power within the trichotomy by increasing legislative and executive influence over the judiciary, raising concerns about potential political interference and the erosion of judicial independence."

3) 26th constitutional Amendment: Opening Pandora's box:

This Amendment has introduced a series of radical changes to the structure and operation of Pakistan's judicial system that critics contend will politicize

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the higher courts and undermine the judicial independence. The amendment alters the composition of the judicial commission, which nominate judges for appointment to the supreme court and High court.

"The amendment significantly alters the composition of the judicial commission, which nominates judges for the appointment of supreme court and High court."

Q # 06

What are domestic issues related to migration in Pakistan. Enlist important institutions and their role in addressing the issue.

⇒ Introduction:

"Water is one of the rarest and the most precious sources in the world." (Najafipour, 2006)

Pakistan is an agricultural country and depends upon irrigation. With a prodigious Indus Basin irrigation system, no one can overlook its usual and strategic importance. Over 90% of countries depend upon the irrigation system. Apart from natural course of rivers several man-made structures have been built up to make sure the availability of water.

● Irrigation system of Pakistan:

There are multiple components of irrigation of Pakistan. For example, rivers, canals, barrages, headworks, dams and tube wells.

Total agricultural land of Pakistan measured in 2011 by World Bank was 223850 sq-km. which is fourth largest in the world. In 1947, when the Indian sub-continent was divided into two independent states.

It gave to water issue as well, till in 1960 with the

international mediation both countries signed the "Indus water treaty."

According to the term India was given the Eastern rivers

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Sulej bias and Ravi- while western rivers are under the control of Pakistan named as Jhelum Indus and Chenab.

● Irrigation sources in Pakistan:

There are two main sources of irrigation in Pakistan.

- 1- Surface water source
- 2- ground water source

● Problems and issues of irrigation system in Pakistan:

There are many factors which are involved in hindrance of irrigation system. In Sindh, Baluchistan and Southern Punjab there are dear drought and nearly zero crop production situation. Here the problems of irrigation:

⇒ Financial issues:

Water economy is the term which is used in Pakistan agriculture as the crops are highly dependent on water and for the development and proper functionality of this system. In Pakistan the capital cost

for the development of irrigation is recovered by user. The short fall in funds is above 30% for each province. provincial governments and federal institutions are also responsible for the operational and maintenance.

⇒ Improvement and upgradation:

Indus basin is facing wear and tear issues. It was built 100 years ago and reduced to 50%. This issue of water is multiply the salinity and water logging issues.

There are two major dams in Pakistan 1) mangla 2) Terbala. These dams have lost 20% storage capacity. There is no solution but to build new and improve the available water sources to get rid of this water nightmare.

Natural disasters like floods and earthquakes have also damaged this system.

⇒ Salinity and water logging issues:

Due to salinity and water logging issues the land is shrinking at a faster pace.

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The major reason for this is poor drainage and management of canals and storage facilities. Canal lining is the one solution to stop the seepage from the canals as most waterlogged land is near to such canals which are not lined properly.

⇒ Low literacy rate and access to information:

Aged farmers who are in the field of agriculture for several decades are reluctant to adopt new technologies and methods of irrigation. Also their educational level is huge barrier to use digital equipments to improve yield.

'Agriculture looks different today - our farmers are using GPS and you can monitor your irrigation systems over the internet' (Debbie Siaberson)

⇒ Institutions and their role:

⇒ Ministry of water resources:

- Formulate national water policies and strategic plans for water resource development.
- Oversees the implementation of these policies and plans.

⇒ Indus river system authority:

- Control water allocation within the Indus Basin irrigation system.

⇒ Provincial irrigation departments:

- Responsible for the management and operation of irrigation infrastructure.
- Structure within their respective provinces.
- May be involved in institutional transformations to improve water resource management.

⇒ Local water usage associations:

- Pool resources to manage and operate on-farm irrigation.
- Maintain irrigation infrastructure.

⇒ International water management institute:

- Works with federal and provincial governments to design policies that integrate water, food

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and climate change issues.

- Strengthens institutions for better water governance.
 - Supports capacity building in agriculture water management and enhances resilience to climate change.
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