

TOOBA GUL
PAKISTAN AFFAIRS
Test: 3

Q.No.1

How the 26th and 27th Amendments

1. INTRODUCTION:

“Constitution is not a mere lawyers' document, it is ~~the~~ a vehicle of life, and its spirit is always the spirit of the age.”

— B. R. Ambedkar

The recent constitutional amendments 26th (2024) and 27th (2025) in the constitution of Pakistan aptly showcases the above quotation. These amendments curtail the judicial and military powers, disturbing the trichotomy of power in the country. Moreover, there will be a shift in power towards the executive and legislature. These amendments authorizes the formation of a

Federal Constitutional Court with powers to override the decisions by the Supreme Court. As a result, it will speed up the constitutional cases on priority basis. However, the opponents of these amendments opine that it would thwart judicial independence and weaken the check and balance system.

2- 26th ~~AND~~ ~~26th~~ AMENDMENTS TO THE CONSTITUTION OF PAKISTAN:

The 26th Constitutional Amendment passed in 2024 makes significant changes to the structure and functioning of Pakistan's judicial system. Under this amendment, following developments occurred.

1- Composition of the Judicial Commission of Pakistan (JCP):

The Judicial Commission of Pakistan (JCP) nominates judges for the Supreme Court and High Courts for appointment. It includes members 2 member of NA, two members

of Senate and one woman or non-Muslim member, to be nominated by the speaker of NA.

2- Administrative powers of the Judicial Commission of Pakistan:

JCP has been given the powers to nominate the "constitutional benches" within Supreme Court and High Courts. These benches have the power to interpret the Constitution.

3- Appointment of the Chief Justice of Pakistan:

Special Parliamentary Committee (SPC) consisting of eight members of National Assembly and four members of Senate have the power to nominate CJP of Pakistan.

3-27th CONSTITUTIONAL AMENDMENT:

On ~~27~~ 13th November, Pakistan's President Asif Ali Zardari approved the country's 27th Constitutional Amendment. One of the major aspects of this amendment is

granting the powers to the executive and legislature to control the judiciary. This constitutional amendment has following provisions.

i- Formation of Federal Constitutional Court:

The amendment authorizes the creation of FCC with the powers to override decisions by the Supreme Court.

ii- Judicial Appointments:

The executive gains more power and influence in appointing and transferring judges.

iii- Suo Motu Powers of Judiciary:

The Supreme Court's suo motu jurisdiction is abolished, limiting its ability to address urgent rights violation.

4- HOW 26th AND 27th AMENDMENTS WILL CHANGE THE POLITICAL LANDSCAPE OF PAKISTAN:

These Amendments will change

the political landscape of Pakistan in the following ways:

i- JCP has the power to transfer a Judge

Under 27th Amendment, Judicial Commission of Pakistan has given the power to transfer the judges. JCP would not be dominated by judges rather by government or executive.

ii- Consent of Judges is omitted.

The consent of Judges has been omitted. If he or she declines the order is deemed as retire. It holds executive against the judiciary.

iii- Democratic government would evolve.

Pakistan has opted comparatively more democratic options. Government, Parliament and judiciary will equally evolve. However, critics argue that these ~~amendments~~ changes weaken democracy.

iv- Enhanced Role of Executive and legislative Powers.

The amendments consolidate power, shifting balance away from judiciary. Government argues that the amendment is necessary to modernize governance and strengthen national security.

v - Imbalance in Power Dynamics.

Concentration of power in the hands of executive and military could undermine checks and balances.

vi - Weakened Accountability system.

Reduced judicial oversight may lead to unchecked executive and military actions, leading to no transparency.

5- CRITICAL ANALYSIS:

The enactment of 26th and 27th constitutional Amendments speed up the constitutional cases on priority basis. However, the opponents are of the view that these amendments are a setback to trichotomy of powers and check and balance system.

6. CONCLUSION:

In summation, 26th and 27th Amendments, foster centralization of power, elevates the military and restructures the judiciary. It sparks significant controversy over democracy, governance and imbalance in the trichotomy of power.

Q No. 2

Netherlands has 12 provinces. —

1. INTRODUCTION:

Pakistan is a country with only four provinces; Punjab, Sindh, Khyber Pakhtunkhwa and Balochistan. There has always been a demand for the creation of new provinces. Unlike Netherlands, Thailand and other countries, several hurdles are underway such as a poor economic conditions, enactment of new provinces and lack of consensus among political parties. However, there is hope for the creation of

new provinces like strategic restructuring improved governance and investment in youth skills. Besides, grassroot level empowerment of provinces can pave the way for new provinces in Pakistan.

A. CREATION OF NEW PROVINCES IN PAKISTAN: CASE AS A DEMAND

There has always been a demand for new provinces. For example, in 1980s and 1990s, the major demand is of Sindh demand. It was the demand. Since 1950, demand of Bahawalpur exists because it was a separate state. It was merged into Punjab during one unit formula. Since then, the voice of separate identity exists. When 18th Amendment passed and NWFP was renamed as KP, Hazara division was neglected in the new name.

3- HOPES ^{IN} ~~FOR~~ THE CREATION OF NEW PROVINCES:

Several hopes and optimism paves the way for the creation of new provinces.

i - Empowerment of local government system:

The empowerment of local government system cannot be the alternative of making new provinces. Globally, the patterns to improve the delivery are; smaller units are being installed, divisions, districts and Tehsils are becoming smaller population wise. This will enhance governance, resource allocation and local representation.

ii - Investment in Youth skills:

Demographic change is individual control not state control. With millions entering the workforce, investing in youth skills is crucial for national resilience and effective governance.

Example: AI talent attract international collaboration to boost \$3 billion IT sector.

iii - Grass root level empowerment of provinces:

By empowering every individual, and every governance unit, effective service delivery will be enhanced.

E.g, Union Council, division or district council and so on will foster the equal distribution of resources and services.

4. HURDLES ^{IN} FOR THE CREATION OF NEW PROVINCES:

These are several hurdles in the creation of new provinces.

i- Poor Socio-economic conditions:

The financial cost of making new provinces is rather ~~high~~ high. When NWFP was renamed as KP to change the name in government records. It costed more than 3bn PK.

ii- Enactment new provinces:

Completely new provincial structure in which bureaucratic structure, judicial structure, policing structure and assembly structure needs to be adopted, which is a highly costly phenomenon.

iii- Center has been a hurdle in making of new provinces:

Whether the military establishment or federal bureaucracy, both are major hurdles. The main reason is faulty basis of demands; first towards disintegration and second in powers of bureaucracy, their sphere of power gets influenced.

Example. Chief Secretary Punjab or Secretary of Health Punjab get less funds. So, their powers become less.

iv - Political parties have been the real hurdle.

Parties are demanding new provinces and it is one of the key elements of their electoral manifesto but ~~here~~ they oppose it practically.

Example. All the 3 provinces support the division of Punjab, but do not support the idea in their respective provinces. Mainstream political parties are not in favour of division of Punjab.

5- SOLUTION AND CRITICAL ANALYSIS.

In To ~~tackle~~ ^{eradicate} the hurdles

in the way of new provinces, federal and provincial governments must build unanimity through extensive consultation with movement leaders.

Moreover, division of provinces on administrative needs promote efficient administration.

6. CONCLUSION:

Creation of new provinces has been a prevalent issue in Pakistan, several hurdles are under way. However, by addressing these hurdles through consensus, expert-led ~~gov~~ planning and improving governance can ensure effective management and creation of new provinces.
