

Justice Mansoor Ali Shah and Justice Ayesha Malik pass remarks on 26th amendment



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Supreme Court Justices Mansoor Ali Shah and Ayesha Malik shared some light-hearted remarks that touched on the recently approved 26th Constitutional Amendment. Their comments came as part of ongoing deliberations on the amendment, which was passed by both the Senate and the National Assembly. During a hearing related to the establishment of the Climate Change Authority, Justice Mansoor Ali Shah engaged in a witty exchange with the Additional Attorney General,

asking if the notification for the appointment of the authority's chairman had been issued. Upon hearing that it had not, Justice Shah humourously noted, "Now all the busyness must be over," referencing the recent legislative focus on the amendment. In a separate case concerning the Competition Commission, Justice Shah further joked about whether the case should now be handled by a constitutional bench, adding that this might soon become a recurring question in the Supreme Court. Justice Ayesha Malik also joined in, humorously remarking, "Now you and your constitutional benches can figure it out," in response to the changing legal landscape. The justices concluded by postponing the hearing for three weeks, with Justice Mansoor noting that the situation will become clearer by then. After the Senate passed the 26th Constitutional Amendment Bill 2024 with a two-thirds majority on Sunday evening, the National Assembly also passed the heavily contested bill with a two-thirds majority. The government needed to secure 224 votes to go over the line and it managed to secure 225 votes as some opposition members staged a walk out. NA Speaker Ayaz Sadiq began the voting process after giving the floor to parliamentary leaders of various political parties. The bill was presented in the National Assembly by Law Minister Azam Nazeer Tarar during a session that commenced late Sunday night and extended into the early hours of Monday morning. The bill has been in development for some time, with discussions facilitated by a special parliamentary committee formed last month. The committee included

representatives from all political parties, including the PTI, and reviewed various proposals to finalise the bill's content. After a brief recess, Pakistan People's Party (PPP) Chairman Bilawal Bhutto-Zardari addressed the assembly, delivering a speech lasting over 50 minutes. He expressed his appreciation for Jamiat Ulema-e-Islam (F) Chief Maulana Fazlur Rehman, recognizing his pivotal role in facilitating the bill's passage. "Maulana Fazlur Rehman did the most to ensure the success of this bill. His contribution has been historic, and I can proudly say he played the most significant part in it," Bilawal stated. He stated that the amendments had been passed with 100 per cent political consensus. Bilawal extended his gratitude to several political parties, including the Pakistan Muslim League-Nawaz (PML-N), Muttahida Qaumi Movement-Pakistan (MQM-P), Independent Parliamentary Group (IPP), JUI-F, Awami National Party (ANP), and others for their cooperation. Notably, he also acknowledged the Pakistan Tehreek-e-Insaf (PTI), saying, "I also thank the PTI for playing a part in this historic achievement. This is a political success, and I wish you wouldn't have portrayed your own victory as a loss." However, PTI's Leader of the Opposition in the National Assembly, Omar Ayub Khan, took the opportunity to criticise the amendments, arguing that they failed to reflect the true will of the Pakistani people. He directed a pointed remark at Law Minister Tarar and Bilawal, suggesting that those who had "gone missing" should also have been acknowledged during the expressions of thanks. Ayub recounted

allegations of mistreatment faced by PTI lawmakers, stating, “These were all tactics to pressure us. The mistreatment of Imran Khan in jail is also an example.” The PTI alleged that seven of its lawmakers had been “abducted” and accused the government of attempting to enact the amendment under duress. Questioning the urgency of the amendment’s passage, Ayub asked, “What would have happened had it been passed on October 31?” He further expressed concern that the amendments aimed to undermine judicial independence, asserting, “We do not think this government is capable of bringing constitutional amendments. Therefore, we have instructed PTI members not to become part of this process.” In response to the discussions, Defence Minister Khawaja Asif defended the amendment, stating that its passage through the Senate was essential to restore the respect and dignity of the parliament and the House. “There must be consistency in our political behaviour; otherwise, we will not gain the respect and dignity we seek,” he concluded. Asif further emphasised that the constitutional amendments were not a novel initiative by the government but rather an extension of the Charter of Democracy, which had been unanimously endorsed by all political leaders, including Imran Khan. The Charter of Democracy was signed on May 14, 2006, in London by major political parties as a response to the military rule of General Pervez Musharraf. Its purpose was to foster democratic principles and to safeguard against the misuse of power by unelected bodies, including the military and judiciary.

