

Q1Introduction

Political culture in Pakistan is witnessing a heightened polarization. Although Pakistan has historically been prone to polarized polity given the abundance of diverse characteristics, the current bout finds no precedent, making things challenging for the Federation of Pakistan. Among top reasons fueling the polarization in Pakistan is the distributive nature of political culture, where parties in power are known for hunting down political opponents. The answer aims to explore the reasons for polarization in Pakistan before suggesting remedies.

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Explaining the Reasons Fuelling Polarization in Pakistan

① The presence of
two political centres -
political class and military
establishment.

Ever since 1947, as
Hamza Alvi, a renowned
political scientist, notes two
power centres have
denied stability in
Pakistan, fuelling only
polarization.

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Two political centres in Pakistan drive wedges in statecraft and when they are at loggerheads, polarization ensue.

Political Conflict in Pakistan

Muhammad Waseem

The political culture of vengeance and vendetta on part of several actors adds a layer of complexity serving the polarized ends.

When a government joins power, its opponents are almost always within its crosshairs. This triggers polarization

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Another factor intensifying polarization is controversies ~~surrounding~~ surrounding poles.

Last two elections have been particularly detrimental to the health of Federation in Pakistan. And has only played to the tunes of polarization

Several inconsistencies are found in 2018 and 2024 elections

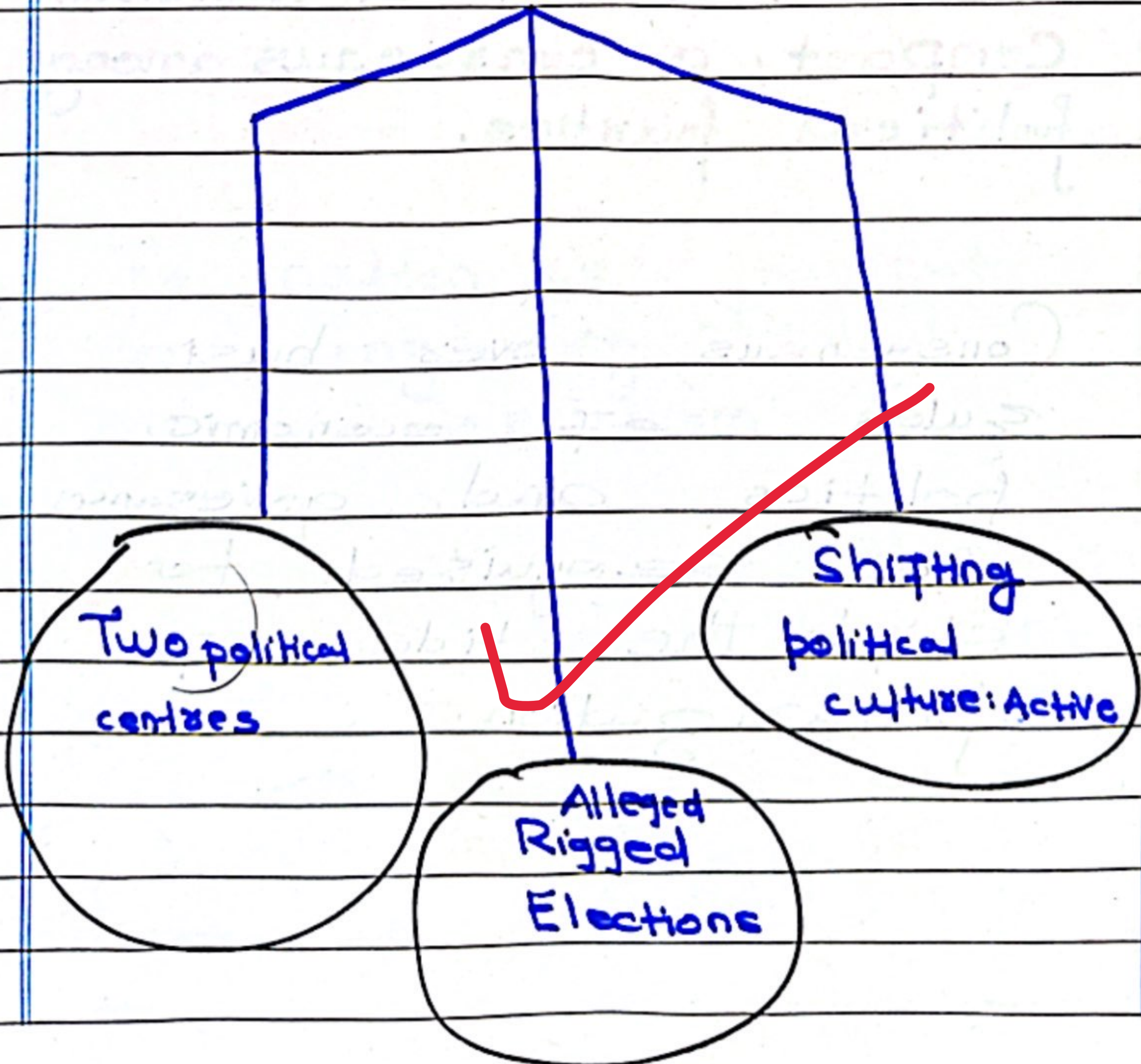
Pattern Coalition-38

In the past, the apex court also played its part in furthering polarization

While the political culture has shifted from patron-client to active participation, the power centres are unwilling to reconcile with it.

The culture of politics in the country has markedly shifted. But power centres are loath to admitted, making polarization palpable.

Top Reasons of Polarization



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Following remedies
could help Pakistan
to get around polarized
polity

Pakistan need a national
compact, a consensus among
political parties.

Consensus over basic
rules of economic,
politics and governance
are required to
shift the tide of
polarization.

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The non democratic forces need to reevaluate their stance.

The non democratic forces need to rethink their historical role, given it has proved woeful.

Constitutionalism should be the leading guide.

Constitution of the nation is sacred document. All guidance should run from it.

The nation need to cut short lengthening shadows of authoritarianism.

Pakistan drifts to authoritarianism, noted by Economist Intelligent Unit, needs to be dispensed of.

This will help bringing polarization under control.

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Pakistan needs a healing touch, a step away from retributive worldview. This will help Pakistan in all ways.

Hussain Haqqani
Reimagining Pakistan

Conclusion

In a nutshell, Pakistan continues to suffer the tragic outcomes of polarized polity, threatening to take a huge toll on citizenry. All stakeholders need to sit on table for dialogue, keeping in mind the future of federation. The attempts at centralising power in federal polity would left Pakistan troubled and harassed. 1971 should have taught a lesson.

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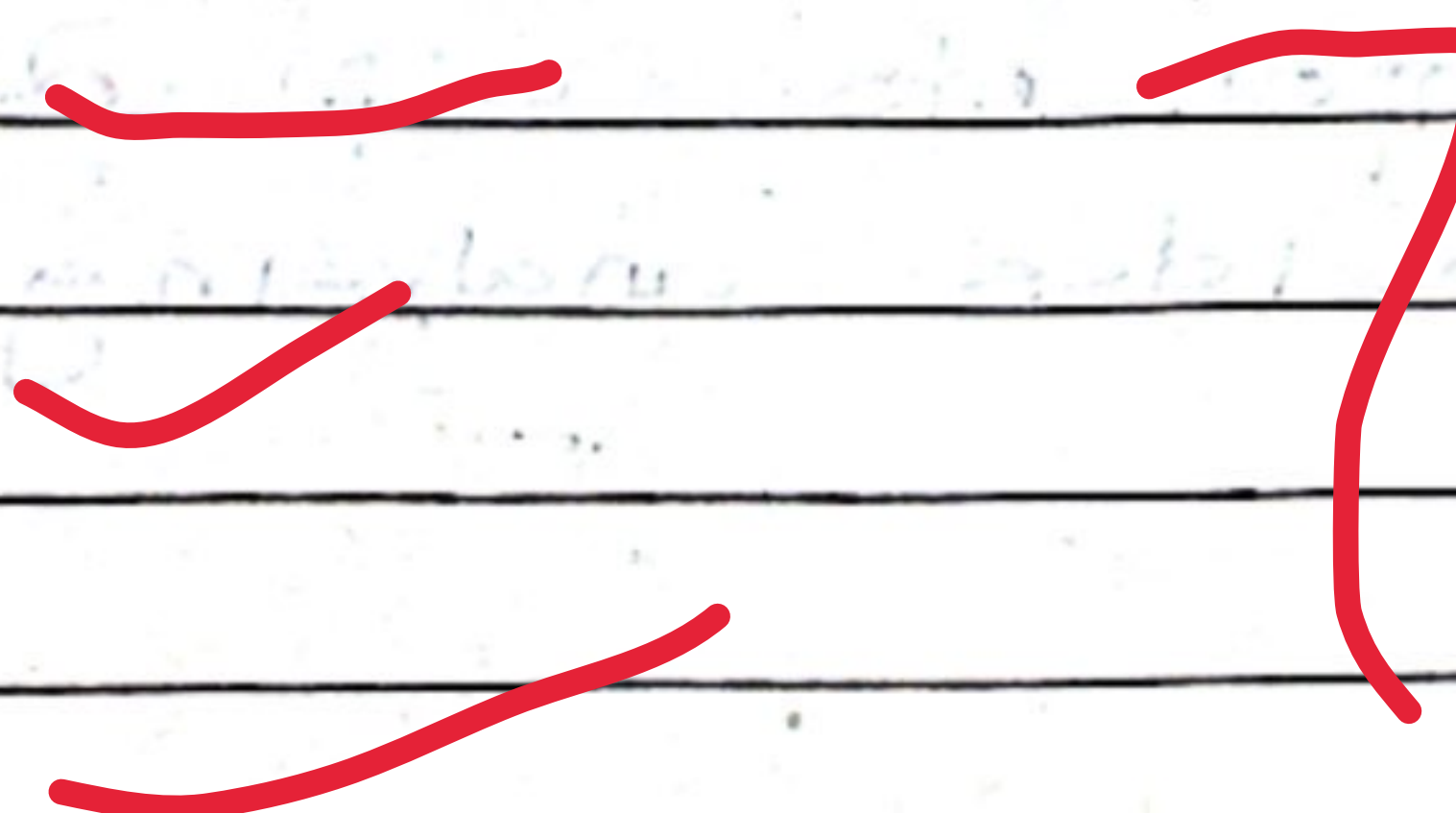
Introduction

The hotly debated 20th constitutional amendment to the constitution of Pakistan has sparked fears of executive overreach, upending the judiciary's autonomy and independence. Experts sharply diverge on their perspective on the amendment—much in line with the polarization in the country. The answer aims to unravel the core components of 20th amendment besides analysing its impacts.

Main Contours of 26th amendment

Changes to Article 75/A have been made, making a parliamentary committee, 8 members for deciding the name of top judge.

Changes have been made to appoint the top judge out of three most senior judges. A 8 member committee would decide all now onwards.



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Constitutional bench, under Article 191A, is set to assume the original, appellate and review jurisdiction of Supreme court

Benches, constitutional as well, would hear cases of constitutional interpretation of important matters.

Article 202 is added to establish constitutional benches at higher judiciary

At high court level, the same constitutional bench mantle would serve in addition to regular benches.

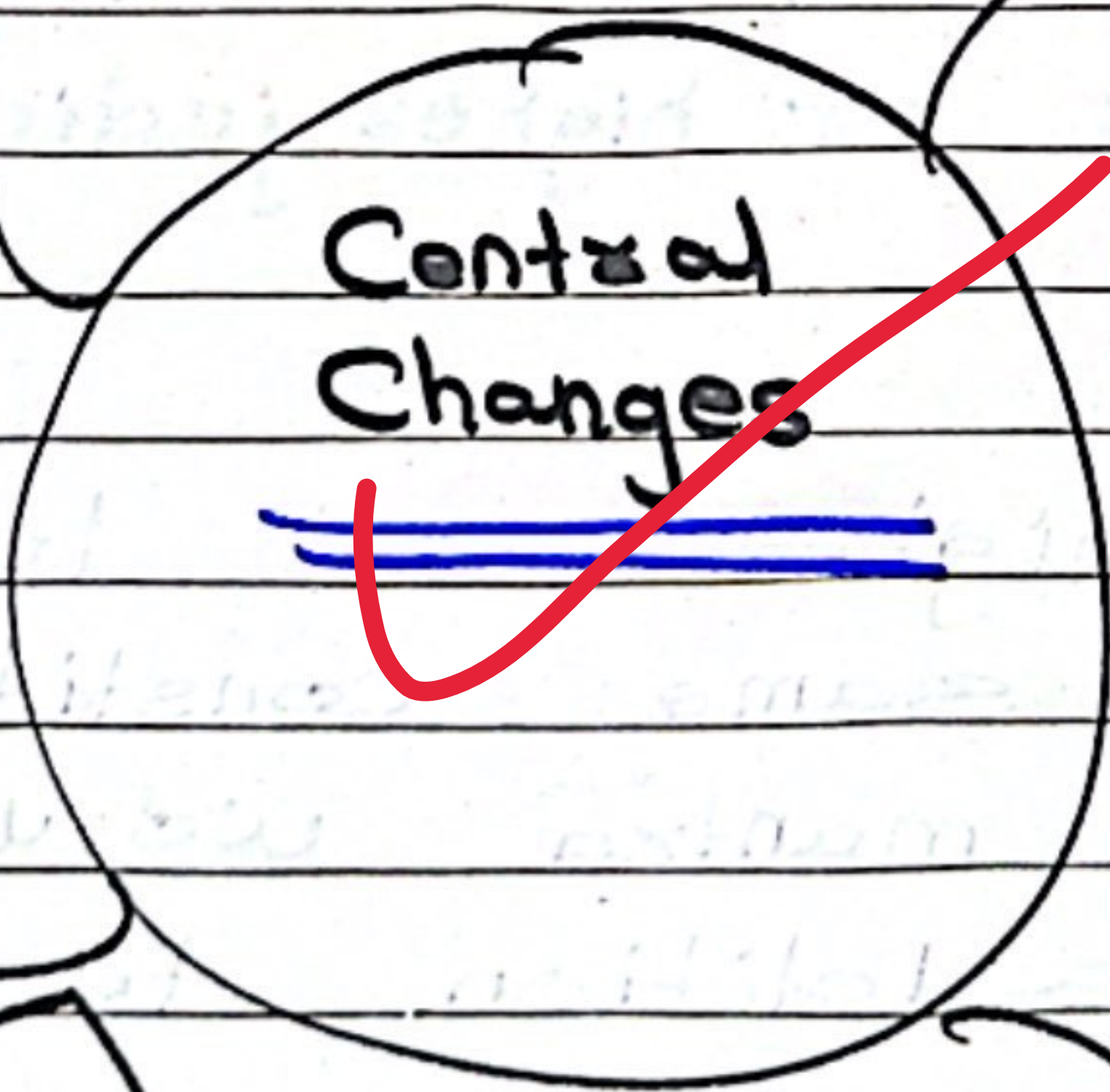
Composition of

Judicial commission of Pakistan is altered, with executive now dominating the commission.

The composition of judicial commission is altered to add the members of executive, as parliament and executive are blurred in parliamentary system.

Constitutional benches

Appointment of Chief Justice



Executive dominated JCP

Check over 184/3

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Expects view on Amendment

The amendment has allowed executive to shape benches for cases it is respondent in

~~Hamid Khan,
Senior Advocate
SC~~

The Amendment has disrupted the decades old precedent of senior most justice joining the post of Chief Justice, out of retribution

~~Muhammad Akram
Shaikh, Senior
Advocate Supreme
Court of Pakistan~~

Impacts of Amendment on Independence of Judiciary

An executive-intensive
judicial commission runs the
risk of court packing

1990s saw Pakistani executive
packing courts along political
lines. Does the amendment
open the way for it is
yet to be seen

Before 1996, court packing
commonplace in Pakistan

A History of Judiciary
in Pakistan by
Hamid Khan

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How could executive name benches in cases it is respondent?

It compromises judicial independence.

In a markedly preposterous change, now executive have the prerogative to select judges for cases it is respondent. The independence is diluted.

The procedure and criteria for judges of constitutional benches is unclear. After all, senior justices have been left out.

It is unclear who can qualify as judge of the bench and cannot.

It is perplexing top three senior judges are left out.

The train of events that the amendment follow, in the aftermath of 12th July reserve seats case, raise suspicion.

The constitutional package was made a case of life and death after 12 July. What prompted is a question worth pondering.

Although the apex court has baggage on its back, it does not mean crippling it would suit democracy.

Advocate

Saluddin Ahmed.

Former President SHCBA

Add more arguments

Conclusion

In light of various constitutionalist, the amendment has eroded the independence of judiciary in host of ways.

Faisal Siddiqui writes that the amendment is consistent with regression of democracy in Pakistan. After all, trichomy of power is central to the concept of democratic polity.