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PAKISTAN AFFAIRS

QUESTION: 01

Write a detailed note on pros and cons of 26th and 27th amendment to the constitution of Pakistan

Introduction:

(1) Constitutional Amendments as Instruments of Institutional Rebalancing

The strength of constitution lies not in frequent amendments, but in restraint of those who interpret and enforce it

—Hamid Khan—

The constitution of Pakistan has evolved through a continuous struggle among state institutions for authority, legitimacy and control. The 26th and 27th amendments in constitution emerged in response to prolonged judicial activism, governance paralysis, and political instability. These amendments claim to restore balance by restructuring judicial activism, governance paralysis, and political instability. However, while supporters view them as critical reforms, critics argue that they undermine judicial

independence and distort the doctrine of **Separation of powers**. This answer critically evaluates the pros and cons of both amendments in the broader constitutional and democratic context of Pakistan.

(2) Contextual Background: **Judicial Activism and** **Governance Crisis as the** **Rationale for Amendments**

The immediate backdrop of the 26th and 27th constitutional Amendments was excessive judicial intervention in executive and legislative domains, particularly through **suo motu actions**. According to the Ishaq

Hussain, "**Pakistan governance crisis stems from institutional overreach without accountability**."

Repeated political interventions by the judiciary weakened democratic continuity, prompting lawmakers to introduce structural reforms aimed at redefining judicial authority.

Casestudy: Maulvi Tamizuddin Case (1954)

(3) Pros (Merits) of The 26th and 27th Amendments

(3.1) Creation of Federal Constitution Court (FCC) for Specialized Constitutional Interpretation

The establishment of FCC institutionalizes constitutional adjudication by separating it from ordinary appellate litigation. Specialized constitutional courts, as seen in Germany and South Africa, enhance doctrinal clarity and consistency. This reform theoretically strengthens constitutional jurisprudence by assigning interpretation to a focused and expert forum. (Mauro Cappelletti, *Judicial Review in the Contemporary World*)

(3.2) Reduction of Judicial Overreach through the Abolition of Unrestricted Sua Motu Powers

Unrestricted suo motu jurisdiction under Article 184(3) had enabled judicial intrusion into political and administrative matters. Its abolition aims to restore institutional restraint and democratic supremacy. **Hamid Khan** argues that:

Unchecked judicial Activism
often substitutes judicial
opinion for public mandate,
thereby weakening democracy.

~ Hamid Khan: Constitutional Law of Pakistan ~

(3.3) Faster Resolution of Constitutional Disputes by Reducing Supreme Court Case Burden

By transferring constitutional cases to the FCC,
the Supreme Court workload is reduced,
enabling faster justice delivery. Empirical governance
studies suggest that judicial efficiency improves
when case jurisdictions are clearly demarcated.
Reduced backlog enhances public trust in the
justice system.

— World Justice Project, Rule
of Law Index —

(3.4) Democratic Legitimacy Through Parliamentary Involvement in Judicial Appointments

The involvement of a **Special Parliamentary
Committee** in appointing the Chief Justice

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of the FCC introduces democratic oversight.
Institutional legitimacy in Pakistan
suffers due to elite insulation from
public accountability.

—Maleeha Lodhi: Pakistan

Beyond the Crisis State—

Parliamentary participation bridges this
democratic deficit.

(3-5) Enhanced Judicial Accountability through Revised Article 200

The revision of article 200 allows institutional
transfers of judges to prevent concentration
of powers and internal factionalism.

Ishrat
Hussain

Accountability mechanisms
are essential for institutional
credibility

Properly applied, judicial transfers can discourage
politicization within courts.

(3-6) Centralization of Military Command under chief of Defense Forces (CDF) for Strategic Efficiency

The 27th Amendment introduces the Chief of Defense Forces, replacing fragmented military command. Modern security doctrines emphasize unified command structures for effective decision making.

Strategic coherence is essential in hybrid and non-conventional warfare environments.

~ Stephen P. Cohen, The Pakistan

Army

(4) DEMERITS (CONS) OF THE 26th and 27th AMENDMENTS

(4-1) ^{the} Marginalization of Supreme Court's Historic Role as Constitutional Guardian

Some critics argue that, the stripping the Supreme Court of constitutional interpretation undermine its historic function as protector of federalism and fundamental rights. Hamid Khan in his book Constitutional and Political History of Pakistan highlights that,

Constitutional continuity
depends on institutional
memory, which is weakened

when apex courts are
sidelined.

(4-2) Politicization of Judiciary Through Executive Control Over Initial FCC Appointments

The appointment of the first FCC Chief Justice by the executive without Judicial consultation compromises independence. **Montesquieu** in his book **spirit of law** states that,

Liberty collapses when executive and
Judicial Powers merge, a risk
evident in this arrangement.

(4-3) Use of Judicial Transfers as a Tool of Institutional Coercion

International Commission of Jurists
argues that forced transfers violate judicial
independence and create a climate of
fear within the judiciary.

(4-4) Risk of Politically Motivated Constitutional Benches

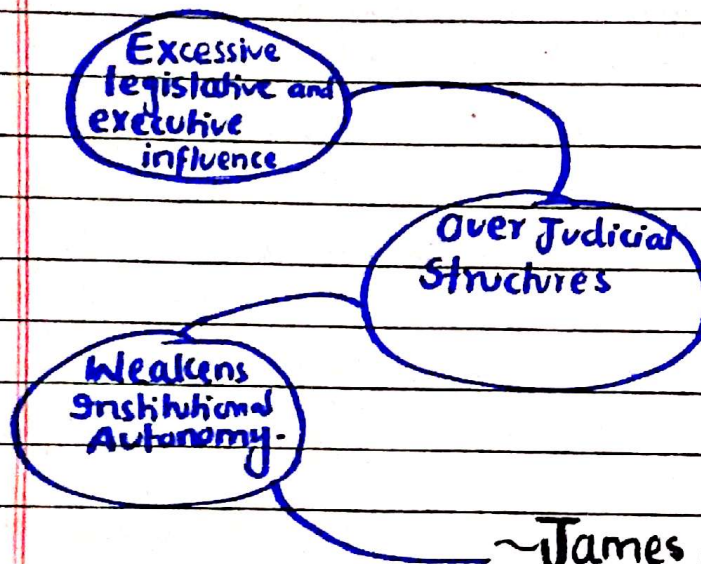
Aziz Siddiqui in his book, "**Judicial
Politics in Pakistan**" argues that

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The power to constitute selective constitutional benches raises concerns of bench manipulation. Pakistan's history demonstrates how selective bench formation has influenced outcomes in politically sensitive areas.

(4.5) Undermining the Doctrine of Separation of Powers



~James Madison

Madison argued that constitutional stability require mutual restraint not dominance, among institutions.

(4.6) Long-Term Risk of Democratic Backsliding under the Guise of Reform

Fareed Zakaria in *The Rise of*

illiberal democracy argues that Democratic erosion often occurs incrementally through legal instruments rather than abrupt constitutional breakdowns. While framed as reforms, these amendments may normalize executive dominance over independent institutions.

(5) Conclusion: Pros and Cons in Pakistan's Constitutional Evolution

Judicial Independence is not the privilege of judges, but the right of the people.

~Justice P.N. Bhagwati~

The 26th and 27th Constitutional Amendments represent a decisive moment in Pakistan's Constitutional journey. Although they promise efficiency, accountability and institutional clarity, their practical implications suggest a troubling shift toward executive dominance and weakened judicial autonomy. Without constitutional morality, transparency and restraint, these amendments risk transforming reform into regression. Constitutional survival depends less on textual change and more on institutional wisdom, stated by Hamid Khan.



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PART: B

Agriculture contributes
more than 70% of ---

(1) Introduction: Agriculture As The Backbone of Pakistan's Economy

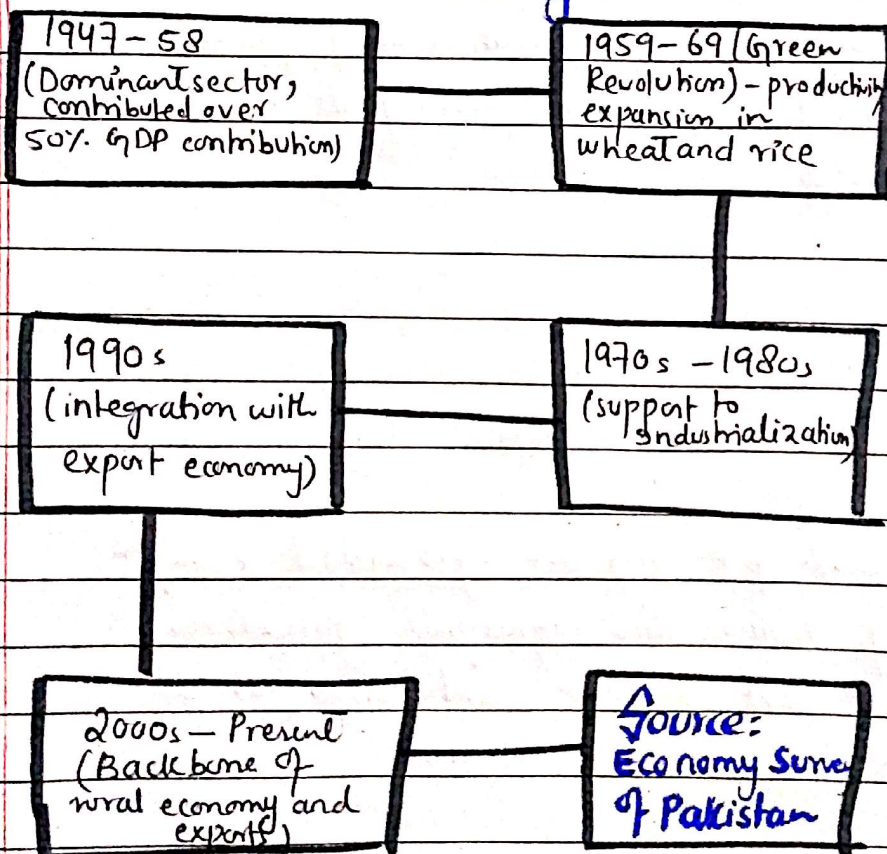
Agriculture is not merely a sector of the economy; it is the foundation upon which industrial growth, food security and social stability rest.

—Ishrat Hussain:
Pakistan, The Economy of
an Elitist State—

Agriculture has historically remained the backbone of Pakistan's economy, contributing over **20% to GDP**, employing more than **40% of the labor force**, and forming the base of **over 70% of export earnings**, directly or indirectly. However, its importance extends

far beyond the supply of agro-based raw materials. Agriculture plays a multidimensional role by ensuring food security, supporting industrial development, generating foreign exchange, reducing poverty and sustaining rural livelihoods. The agriculture in Pakistan holds the economic, social and strategic significance.

(2) Historical Background: Evolution of Agriculture in Pakistan's Economy



(3) Role of Agriculture Sector in Economy of Pakistan beyond Agro based Raw Materials

(3.1) Agriculture as Major Contributor to National GDP and Economic Stability

In times of industrial slow down, agriculture acts as shock absorber, sustaining growth through crop output and livestock production. Fluctuations in GDP growth closely follow agricultural performance, proving its macroeconomic importance. **(Economic Survey of Pakistan)**

(3.2) Agriculture as the Foundation of Export Earnings Beyond Raw Materials

Over 80% of exports are agro-linked through supply chains. This highlights agriculture's indirect but decisive contribution to the trade balance in Pakistan.

~ **(State Bank of Pakistan)** ~
: **Annual Report 2024**

(3.3) Agriculture's Role in Ensuring Food Security and Price Stability.

According to the K.K. Aziz, Pakistan's industrialization model is deeply dependent on agricultural surplus. Without strong agricultural base, industrial growth remains unsustainable.

(3.4) Agriculture as the Backbone of Industrial Development

FAO research confirms that domestic agricultural productivity is crucial for protecting developing economies from global food price shocks.

(3.5) Agriculture as a Tool of Poverty Alleviation and Inclusive Growth

World Bank studies reveal that the growth originating in agriculture is two to four times more effective in reducing poverty than growth in other sectors.

(3.6) Agriculture's Contribution to Foreign Exchange Savings

Domestic agricultural production reduces reliance on food imports saving valuable foreign exchange. Wheat self-sufficiency and rice exports help stabilize Pakistan's balance of payments, particularly during economic crisis.

(3.7) Agriculture's Role in Social Stability and National Integration

Agriculture sustains rural communities and prevents excessive rural-urban migration which often leads to urban congestion and social unrest.

—Samuel P. Huntington,
Political Order in Changing
Societies—

(4) Critical Analysis

Despite its importance, Pakistan's agriculture suffers from low productivity

and water mismanagement. Investment in research, irrigation efficiency, market access and value addition can transform agriculture from a subsistence sector into an export-oriented growth engine.

~ (World Bank Report 2024)

(5) Conclusion: Agriculture as Engine of Sustainable Economic Development

No country has achieved sustained economic development without first transforming its agricultural sector.

~ World Bank

Agriculture's contribution to Pakistan's GDP, employment and export underscores its central role in national economy. However, certain limitations hinder its efficacy which requires holistic approach for betterment.