

Question no 1

How the 26th and 27th amendments to the constitution of Pakistan will change the political landscape of Pakistan? Elaborate

Introduction

Constitutional amendments are the tools that are used to adapt the legal framework of the state with changing dynamics. The 26th and 27th amendments in the constitution of Pakistan mark another phase in the constitutional history of the country. These amendments are made to redefine judicial role and powers, civil-military balance, and quality of democracy in the Islamic Republic of South Asia. Indeed, the net impact of these amendments will significantly change the political landscape of the country in short and long term. The impacts of 26th amendment of the country include: Assertive parliament, democratic oversight of institutions but also politicization of them, executive and legislative nexus. Similarly, the impacts of 27th amendment on the country include: judicial curtailment, centralization of power, hybrid governance and administrative efficiency. It can be said that these amendments have many impacts on the country.

Background of 26th and 27th amendments in the constitution of Pakistan

The constitutional trajectory of Pakistan reflects constant struggle of democratization and centralized control. 1973

6

Constitution and amendments to it are often used to manage political crises and to recalibrate the institutional authority. While the 26th and 27th amendment, passed in 2024 and 2025, emerged in the context of political polarization, distrust, governance instability and constitutional crises.

26th Amendment in Islamic Republic of Pakistan

changes:

Judicial powers:

A special Parliamentary committee dominated by executive to nominate CJP for fixed three years of term

Suo moto power of CJP

The suo moto power of CJP is curtailed and now he does not take own initiatives.

CJP tenure

The chief Justice of Pakistan now serves a fixed three years of term for appointment.

Formation of constitutional benches

The special benches are formed called constitutional benches to deal with constitutional cases on urgent bases.

How these changes will impact the political landscape of Pakistan (Reconfiguration of institutional powers)

These change in constitution through 26th amendment will significantly impact the distribution of power among state institutions: Parliament (legislature), executive and judiciary. Through this amendment, Parliament have become assertive and its oversight over judiciary can allegedly curtail the judicial independence.

Impacts on judicial autonomy and

Rule of law

Judicial independence and its autonomy is changed by this amendment. It is the most debated issue in the country.

Since the passing of amendment. Positive school of thought argue it will enhance parliamentary oversight over institution and reduce judicial activism. on the other hand, negative school of thought says, it will politicize the judiciary, weakens separation of power and impact impartial justice.

It can discourage opposition politics, reduce constitutional legal framework and enhance executive authority.

Strengthening of Executive-Parliament nexus

The coordination between Parliament and Executive has been strengthened that can offer faster decision-making and less deadlock among institutions. But executive dominance would prevail as the committee is dominated by executive though it is parliamentary committee. These political impacts are being offered by 26th amendment to the political landscape of the country. Now we would discuss the 2th Amendment and its political impacts on Pakistan.

2th Amendment in Islamic Republic of Pakistan: An overview

Changes:

Establishment of Federal Constitutional Court

Federal constitutional court is introduced, parallel of Supreme court to deal constitutional cases.

Structural changes in Armed forces

Joint staff headquarters is dismantled and chief of defense forces (CDF) is introduced.

Appointment, transfer and services terms of judges

Judges are nominated by executive and can be transferred at any time.

Reduction of Supreme court authority

Supreme court can now only deal with criminal and civil cases. It can not deal constitutional cases now.

How These change impact the political landscape of Pakistan

Shift in Civil-Military balance of Power

This amendment has constitutionally strengthened the hybrid governance model. Civilian governments may function but key decision making is insulated from the parliamentary oversight. The civilian oversight is impacted. This model can stabilize the country but at the cost of political rights.

Weakened Parliamentary oversight

Parliament's role is changed tacitly from the supreme authority to a authority that will only ~~sanction~~ the executive decisions. It will become procedurally strong and politically weak that can threaten the representative democracy in Pakistan.

Erosion of judicial independence

Supreme court's centrality is influenced and reduced through the creation of parallel judicial structure in the form of Federal Constitutional Court. But this model is applied by many developed and developing nations. The only issue is the ~~executive~~ oversight of the Federal Courts. This can cause majoritarianism in legislation with fewer legal constraints. leave a line space b/w headings for neatness.....

Executive empowerment and Centralization

Civilian executive may have gained short term stability but at the cost of long term institutional imba

lane. Executive authority becomes highly centralized and securitized. Politics may become personality-centric rather than institution-centric. It can improve governance.

Increased political polarization in the country

The amendment has intensified divisions between the government and opposition, institution and civil society and institutional and civil society. Agitations, protests and deadlock will increase in the country.

Critical evaluation of 26th and 27th Amendment in the constitution of Pakistan

Merits

i) Addresses governance deadlocks

These amendments have strengthened governance by imposing the executive powers. Governance improvement can change public opinion. The long term governance deadlock will be managed.

ii) Enhance institutional coordination

The weak institutional coordination has influenced negatively Pakistan. Through these amendments the coordination can be improved and complement the overall governance of the country.

iii) Provides short-term political stability

These amendments have controlled the judicial activism and provided short term stability in politics of country.

3

in this stable time, the economy can flourish and strengthen but it will be short term and will have spillover effects.

Demerits

i) Weakens democratic checks and balances

The theory of separation of power offers the institutional checks on each other. Judicial power curtailment will weaken the democratic checks on executive and majoritarianism will flourish.

ii) Encourage constitutional manipulation

Executive majority and less legal constraints would threaten the constitution and its manipulation will become easy. It is alarming for the political landscape of the country.

iii) Undermine long-term political development

The rope pulling, if it can not affect the politics of the country, between the opposition and government is essential part of democratic and political development of the country. These amendments can undermine long term political development.

Conclusion: The 26th and 27th amendment will profoundly impact the political landscape of the country with centralized control, redified authorities and democratic process while it can offer short term stability, improved governance and administrative efficiency but at the cost of democratic erosion, judicial independence and reduced political pluralism in the political culture of Pakistan.

Question no 2

Netherlands has 12 provinces; Thailand, 76; Vietnam, 59 and Russia 86 total sub divisions. Prepare the case for New Provinces in Pakistan. What are hopes and hurdles in it? elaborate

Introduction: Modern states increasingly rely on administrative decentralization to improve governance, development and national integration. Countries such as Netherlands, Thailand, Vietnam and Russia have 12, 76, 59, and 86 sub administrative divisions respectively. In contrast, Pakistan, with 241 million of population, still has four administrative units and making it one of the world's most centralized federations which needs urgent creation of new provinces to improve governance, administration and national integration. It is needed for: Population administration, governance efficiency and service delivery, Equal development and distribution of resources, strengthening federalism and national integration.

"Smaller administrative divisions can improve governance, accountability and service delivery".

(UNDP, Human Development Index)

What is the rationale behind new provinces in Pakistan

Pakistan is the country of 241 million people with annual population growth of 2% (500,000) according to the economic survey of Pakistan. It has only 4 provinces with only Punjab has population of 127 million that is equal to the total population of the country Russia. Smaller administrative units can improve efficiency and service delivery with objective accountability. So it is most needed for the Pakistan to make more provinces to acquire improve governance.

1) Governance efficiency and service delivery

2) Equitable development and resource distribution

3) Strengthened federalism and national integration

Rationale
behind
the
new
provinces
in
Pakistan

Southern Punjab districts show 30-40% less development as compare to the central Punjab due to weak administration

(Pakistan Bureau of Statistics)

Hopes associated with new provinces in Pakistan - an.

1) Improved governance in the Country

Through new provinces by division of existing one, Pakistan improved its governance. Better governance improves the conditions of the masses and social integration. Improved governance will reduce the deep rooted issue of corruption in Pakistan and bureaucratic red tape as the services delivery will be near to the people.

In Punjab, the senior civil secretariat is managing education, health, taxation, irrigation and much more of 127 million people.

"Governance improves when the authority is near to the people". (World Bank, world development report)

2) Equitable development of core and peripheral regions of Pakistan

Pakistan is the country having remote areas in plains, deserts and mountains. Fair allocation of resources and focused planning and development of neglected regions is needed on urgent basis. For equitable development, more provinces can offer improvement.

"Economic growth with the unequal distribution and development causes political instability". (Dr. Ishrat Hussain)

3) Political inclusion of the whole country through sub divisions

More provinces can create political inclusion in Pakistan. The upper house of National Assembly in Pakistan is based of the weightage of provincial quotas. More provinces will mean that more representation from all ethnicities and provinces. Smaller ~~regions~~ will empower through this. Increased representation in National, provincial assemblies and The Senate of Pakistan.

More provinces = more senate seats = more representation

4) National integration of Pakistan:

From mob to nation building

National integration is the most challenging issue, faced by Pakistan. It is commonly said that it is not a nation but a mob. To address the grievances, more provinces prevent unrest through constitutional means and ethnic frustration by administrative recognition.

"Kyberpaktunkhwa renaming in 18th amendment in 2010 give the sense of addressed identity concerns to some extent".

5) Strengthened Federalism with Provincial autonomy.

Though the 18th amendment has given provincial autonomy, but larger provinces still dominate the federal decision making. New provinces will balance federalism

improve provincial resentment. Federalism will improve and the provincial autonomy will strengthen Pakistan politically.

"Pakistan must follow federalism in its true sense". (MA Jinnah, The Father of the nation)

Hurdles associated with New provinces in Pakistan

1) Constitutional Complexities and nationalism in Pakistan

Article 239(4) deals with the provincial boundaries in Pakistan. For new provinces, this article must be changed or amended which needs $2/3$ majority in national assembly, consent of province and Senate. Provinces are already reluctant in the formation of new federating units. Nationalism in provinces will not allow it especially South nationalism. It can create constitutional crises in Pakistan.

2) Political resistance from elite

Provincial division is often supported by parties for political motives and vote gains. They fear loss of power and reduced vote banks. Political elites tacitly maintain status quo and supporting new provinces only rhetorically.

"South Punjab province was promised in 2013 and 2018 elections but never took place".

3) Boundary and capital disputes over provinces in Pakistan

New provinces can ignite boundary and capital

and boundary disputes. Deadlock over capital city candidature can create harmony issues. Hazara movement intensified after Attoknoland was ignored as capital city.

4) Financial constraints

of new provinces

New provinces require assemblies, high courts, policing, and civil servants. Every province will need building, staffs, proper mechanisms to start executive actions. Financial constraints of new provinces will limit this formation in already fragile condition of economy of the country.

"The fiscal deficit of Pakistan is ~7% of GDP." (Economic Survey of Pakistan)

5) Ethnic and linguistic fears

of making new provinces

Pakistan's society is already fragmented on the basis of ethnic and linguistic divide. Formation of new province on the basis of ethnicities can exploit the faultlines and can undermine the national cohesion. Such fears Urban Rural divide and Balochistan on already separatist movements.

Conclusion

: To sum up the discussion, new provinces are need of the time in Pakistan for better governance, good administration and effective service delivery but it has some merits and demerits. To avoid more issues and

and constitutional crises, broader national consensus should be built because national harmony is more needed. Decentralization is the strength of many countries of the world. A phased, administratively divided province rather than ethnic bases can transform the governance landscape of Pakistan as: "Strong federations are built of empowered regions."

