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The Constitution as a Reflection of Pakistan's Political History: From the Objectives Resolution to Contemporary Constitutionalism

Asmia Habib

(Corresponding Author)

Assistant professor

Nawab Allah Nawaz Law Collage

Gomal University Dera Ismail Khan, Pakistan

Email: asmiahabib6262@gmail.com

Dr. Imtiaz Hussain

Lecturer

Department of Law, University of Okara, Pakistan

Email: imtiazsanda95@gmail.com

Dr. Imran Ahmad

Assistant professor Pakistan Studies,

Government Graduate College Khanewal

Deputy Director Colleges Khanewal. Pakistan

Email: imrantharag@gmail.com

Abstract

It is not possible to comprehend the constitutional history of Pakistan as a series of constitutional documents, amendments and institutional arrangements. More fundamentally, it is a history of the political conflicts in the making and making of the Pakistani state as it tries to carve out spaces of sovereignty, democracy, federalism, Islam, citizenship, judiciary, and relations with un-elected powers. The constitutional development in Pakistan since the Objectives Resolution 1949 to the constitutional battle of the twenty-sixth Amendment has witnessed the political scenario of the times. Thus, the Constitution has served as a legal system as well as a forum for contesting and/or for negotiation among differing visions of the state.

This paper explores the connection and interaction of Pakistan's political developments and constitutional developments, starting from the Objectives Resolution and the first constitutional debates in the 1950s. It subsequently analyses the effect of the 1956 and the 1962 Constitutions, how the military and judge's reaction to any exercise of extra-constitutional power led to the 1973 Constitution, the spirit of Islamization on the 1973 Constitution and the sanctity of fundamental rights, the Eighteenth Amendment and the new federalism, and some recent debates on independence of judiciary and constitutional governance. The paper contends that Pakistan's constitutional experience as a section of

this paper reveals that there is a fingerplay between the text and political practice of the constitution. In subsequent constitutional changes they've tried to restore representative government, interstate equilibrium, an independent judiciary, and fundamental rights but times and again constitutionalism has been reconfigured by political pressures. Consequently, state polarized by religion, the conflict between popular sovereignty and institutional authority, and federalism and the rule of law, represent not an abandonment of what happened previously in Pakistan, but rather a step further on a path where these matters are continually contested.

Keywords: *Pakistan, constitutionalism, Objectives Resolution, political history, Constitution of 1973, federalism, judicial independence, fundamental rights, democratic governance.*

1. Introduction

When most people refer to the Constitution of a state they usually mean the written set of laws by which the state's government is formed, powers are assigned, and rights are safeguarded. While this may be legally right, it is not enough in the context of Pakistan. Pakistani constitution is also an historical document. It relates very much to the political experiences that the country has gone through since independence and its language, its institutional structures, the amendments and the unresolved tensions. There has been, therefore, a significant influence of political instability, military interventions, civil-military relations and competing views of ideologies represented in the political sphere, regional demands, judicial assertiveness, and evolving democratic views on legitimacy in the evolution of constitutional development in Pakistan (Waseem, 2006a).

At the time of independence, Pakistan got a constitution, but failed to get a constitutional consensus. The country took its first steps towards the constitution under the Government of India Act, 1935, which had been adopted as an interim constitutional set-up. Meanwhile, the nascent state had to decide on the bases of political community and the relation between Islam and the state in the new entity, regional devolution between the federation and provinces and the nature of representative government. There was no consensus on the constitutional settlement, therefore playing field was created for the greater influence of the Bureaucratic and Executive institutions over the Representative political institutions (Rahman et al., 2021).

The Objectives Resolution of 1949 was the initial significant effort of defining the regulatory principles of the new constitutional system. It sought to blend popular sovereignty with ultimate sovereignty of Allah, and that it promised Democracy, freedom, equality, tolerance, Social justice and safeguarding of minority interests without any consideration. The true significance of it does not only consist in its religious terminology, but in the constitutional problems it raised: What is the supreme a source of authority? How are divine sovereignty and popular representation related? What should be the responsibilities of Islamic law (sharia) with regard to law-making and governance? What safeguards should be in place to guarantee the protection of the minorities' rights? Such questions have taken a firm seat in the discourse of constitution in Pakistan (Ahmad & Ahmed, 2021a).

A study of the later history of the Constitution reveals that it has mimicked the political balance of forces prevailing at the time of enactment or amendment of the Constitution. The constitution of 1956 created a parliamentary federal republic, which was only in power for a short time. The 1962 Constitution

pledged to provide for a presidential system under an authoritarian political system where parliamentary government was eliminated. Begins with an account of the political crisis over Pakistan's dismemberment of 1971 and the Constitution of 1973 as an effort of making a fresh attempt to try to build a consensual parliamentary federation. However, during the spell of military dictatorship and political conflict in the country, the 1973 constitution has also been amended over and again (Abbas et al., n.d.).

Consequently, the part of constitutionalism in Pakistan is unique and comes from this historical circle. A lack of constitutional rules can have been part of the problem – but rarely the entire issue. Instead it has been the tensions between constitutional norms and political might that have been the recurring problem. This tension has been called a persistent disconnect between formal constitutionally-legitimate and site of effective politics (Kalhan, 2013).

The present paper needs to take a qualitative historical-doctrinal approach. It looks at the evolution of the constitution based on the recent academic literature from 2020-2025, and considers the key shifts in the constitution as what it calls 'the state's response to politics during the early 1970s in Pakistan. The main theme is that the development of the Constitution in Pakistan is not one from authoritarianism to democracy. It is better thought of as being a process of 'constitutional negotiation' or a process that has happened many times in response to political crises each resulting in a constitutional change, reversion, or institutional reconfiguration.

2. The Objectives Resolution and the Foundational Constitutional Imagination

Objectives Resolution is bound to play a unique role in the constitutional history of Pakistan as it predated the promulgation of first Constitution and sought to lay down an ideological foundation of the constitutional state. It is not a part of the substantive constitutional provision, but was adopted by the Constituent Assembly in March of 1949. By including it in the constitutional framework, it became, however, a source of constitutional interpretation and political debate that is ongoing.

It's crucial to understand the political context of the Resolution. Although Pakistan was a state established in 1947 as the home of Muslims from the subcontinent, the political movement that led to it had not resulted in a specific and comprehensive model of a constitution. The demand of Pakistan had the potential to accommodate a variety of visions of the future Pakistan, some interpreted it as a democratic state where Muslims would be majority and others saw the establishment of Pakistan not just as a democratic entity but truly an Islamic constitutional system. The Objectives Resolution tried to reconcile these conflicting aspirations without necessarily finding a resolution to the conflict (Ahmad & Ahmed, 2021b).

Hence their words are of great importance. Although the Resolution determined that the sovereignty of all the universe was in the hand of Allah (SWT) it also stated that the authority would be held by the people via the representatives they had chosen. This formulation created a dichotomy between the constitution that has been at the heart of the constitutional thinking in Pakistan. The concept of representative government, integral to a democratic form of government was set against a transcendental notion of sovereignty. The Resolution did not resolve the tension between the two, instead it encapsulated the tension.

Such a tension was then manifested in debates over the 'Islamicity' of the state. It was not just a matter of whether or not Pakistan should be Islamic. The more fundamental issue was whether or not and what legal significance to attach to the state being Islamic. Would Sharia laws serve as mainly as a gauge of interpretation, or mainly as an area of restriction, or mainly as a mode of constitutional enforcement? Would Parliament, e.g. within the constitutional limits, be sovereign or would religious principles lay restrictions on the substance of the legislative power? These are the issues which have been highlighted as key issues in the constitutional development of Pakistan by the contemporary scholarship (Ahmed & Brasted, 2021a).

The Objectives Resolution also included certain fundamental rights, equality, freedom, tolerance, social justice and protection for the minorities. This shows that Islamization is not the only guiding principle behind the founding constitutional imagination of the state of Pakistan. The document aimed at marrying Islam with representative democracy and constitutionalism that is based on rights. The problem started to occur later on when various political forces put more emphasis on one aspect as compared to the other.

As is evidenced by the way minorities are addressed in the Resolution, this is a problem in the Resolution. The constitutional state was becoming more Islamic, and the guarantee of religious freedom and respect for the minorities came alongside it. The sense of constitutional identity, turned into a field of political contestation in this way. On the other hand, religious recognition may enhance state legitimacy in some political circles and lack of political institutionalization of the constitutionally outlined religious values may cause increased political discontent (Waseem, 2006b).

It can be helpful drawing on comparative literature in Islamic constitutionalism. Islamic constitutions do not necessarily imply democracy since all depends on the mechanism and design of the constitution as well as how sovereignty is interpreted and constitutional rights and political participation are safeguarded (Gouda & Hanafy, 2022a). As it has happened in Pakistan, constitutional granting of freedom of religion is not sufficient in itself to answer the question of how the four coexist – namely religion, democracy, legislative power and individual rights.

The introduction of the Objectives Resolution as a part of the Constitution (under the 8th amendment as Article 2A), further provided it the layer of significance in the constitutional framework. The initial purpose of largely declaring constitutional aspirations was formalized in the constitutional hierarchy (Albert, 2013). This also gave an indication of the political situation of the Zia's time and it was clear that in a historical context of Pakistan's constitutional development, a constitution also took new definitions when the political regimes wanted to validate certain issues of state authority.

Thus, it would be more accurate to think in terms of the Objectives Resolution not as a constitutional settlement but as a constitutional conversation that is yet to be resolved. The very fact that it strives to bring into harmony ideas that can coexist, but might also clash, divine sovereignty vis-à-vis popular sovereignty, Islamic identity vis-à-vis religious pluralism, parliamentary government vis-à-vis substantive constitutional boundaries, or majority rule vis-à-vis minority protection, is what imparts its lasting significance.

3. From the 1956 Constitution to the Constitution of 1973: Political Crisis and Constitutional Reconstruction

The first ten years of Pakistan's Constitution history have shown the problems of political consensus to institutional stability. In 1956, Pakistan's then Constitution was declared which declared Pakistan as an Islamic Republic and imposed an Islamic Federal System. It included provisions on fundamental rights, a system of legislative government, federal-provincial relations. At the time of the constitutional design, it was thus a major leap towards representative government.

However, politically the country was very unstable atmosphere. Political parties were weak; government was unstable and the interplay between political institutions and the bureaucracy was still poor. Incorporation of a constitutional system had occurred into a political system that was not yet institutionalized. The Constitution was thus put up for grabs.

The materials that have emerged since the abrogation of the Constitution of 1956 in 1958 are all consequential constitutional ruptures. Constitutions were likely to exist, provided a political system had a will to implement it, with martial law supplanting constitutional government. Later, under the leadership of President Ayub Khan, the constitutional order was rebuilt.

50 years ago, the Constitution of 1962 had a vastly different interpretation of political power. It provided for a strong presidential system, rather than parliamentary supremacy. Political system was based on a dominated representativeness and an Executive-led system of government. This constitutional revolution was not limited to a mere abstract preference for constitutionalism but rather was a true mirror of the political reality of the time. The Constitution thus provides an illustration of the ways in which the formal structures of institutions can be devised in order to formalize an existing power concentration in politics.

Pakistan experience for this period stands as a case in point as to the disjunction between constitutional legitimacy and political authority today. Executive dominance exists in reality despite the constitution, and constitutional provisions can formalize it. The constitution can do less to restrain executive dominance where it is the case institutionally, as in many countries (Abbas et al., 2021).

During the political drama which led to the eventual separation of East Pakistan in 1971, yet more serious issues at the back-bone of the episode became evident (Kapur, 2006). The constitutional issue could not be divorced from issues of representation, federalism, regional autonomy, political participation and economic and political power distribution. Bangladesh's emergence illustrated how constitutional design that doesn't meet the political needs of regions, can be devastating (Riaz, 2016).

Therefore, the Constitution of 1973 needs to be read in the light of the disintegration of the nation. It was an attempt to restore political legitimacy based upon a wide consensus (Ackerman, 1989). The 1973 Constitution was pledging a departure from the 1962 Presidential system for a parliamentary system. The Prime Minister was granted as the main executive officer, Parliament was put up in a prominent place and federalism was constitutionally acknowledged.

The Constitution also tried to make a balance to the Islamic character of Pakistan, in consideration of the democratic system and the fundamental rights. It kept the concept of an Islamic Republic and introduced an elaborate system of rights and parliamentary form of government. The constitutional settlement thus was a compromise instead of necessarily being the triumph of an ideology.

Federalism had become a significant issue since the events of 1971 had unsensitized the understanding of territorial unity which could only be achieved through centralized power (Smith, 2023). Regional interest, and provincial participation, was now a key part of the new settlement, by way of constitutional recognition.

But the Constitution of 1973 failed to prevent a political instability. Military rule, that came in 1977, once again interrupted the parliamentary government. While Constitutional institutions still remained, it went through a process of extensive restructuring (Akther, 2016). The next Eighth Amendment shifted the balance of the constitution with a few changes that, along with its effect on presidential power, included some of the characteristics of the military regime.

This is the time when it can be seen that there cannot be a boundary between “democratic constitutions” and “military constitutions” in the history of Pakistan's constitutions. Instead, there are elements in several constitutional texts that resulted from various political settlements. Changes adopted in times of dictatorship might even have remained in effect when elected governments were restored and subsequent democratic governments tried to revoke or modify these changes.

Thus, the history of constitution between 1956 and 1973 shows that the development of constitution is more reactive than constructive in Pakistan. Constitutional redesign was a result of political crises. The 1962 Constitution was a reflection of executive centralisation, the 1973 Constitution was in response to the quest for parliamentary and federal consensus in the wake of a national disintegration, and the latter amendments reflected problems that had arisen between the President and the Parliament.

4. Military Constitutionalism, Judicial Authority and the Struggle over the Rule of Law

One of the standout developments in the political history of Pakistan has been the break-down of the constitution and its repeated replacement by the military regime. These actions brought more than the canceling of political institutions. They created new constitutional ideas, amendments, practices and conceptions of the role of the Judiciary. Accordingly, this study also investigates a history of the constitution in and out of military rule.

The recurring experience of the military getting involved in politics left the constitutional system in which formality and by-laws often conflicted with the political demands. Constitutional institutions were at times abolished, modified or recreated and courts were asked to take decisions in exceptional political situations. This raised challenging issues in relation to judicial independence and the legitimacy of other methods of constitutional change that fall short of a constitutional amendment.

This is especially true of the judiciary. The courts are expected to be protectors of constitution as per their role and responsibility in the Constitution. But when constitutional (or other) crises occur, judges are immersed in the same political context as all other institutions. A study of the history of scholarship in Pakistan has shown that historically, the judicial reaction towards military rule has resulted in serious conflicts between the institutional survival and the constitutional principles (Falki & Shahzad, 2022).

Extra-constitutional interventions were the ones that came to the fore and were criticized through the development of doctrines that subsequently recognized them legally. However, when the judiciary is willing to offer legal cover to those who go beyond the constitution in politics there is little reason to make a distinction between constitutional and political necessity. The issue would not simply be that a

single unconstitutional act is ratified. What is more concerning is if the next generation of political actors will start thinking that if you take extraordinary action, the boondoggle will get legal accommodation. Judicial power thus went more and more political. In times of elected government, courts stretched their reach to executive and legislative activity, and at times of authoritarian government they were able to either secure and justify new political structures, or be squeezed into a more limited role. This resulted in what some scholars would call a paradox: “judicial activism and judicial weakness may exist in the same constitutional system” (Munir et al., 2021).

Thus, the issue of judicial independence is not only the one of formal security of judges' tenure. It is also about institutional structures and selection processes, judicial-prosecutorial ties and the constitution's culture. A judiciary may be formally independent of the constitutionally, but still be driven by a political context which would affect the behavior of institutions.

Along with the rising judicialization of politics in Pakistan, it is also acknowledged in the recent times. Pluralist democracy facilitates the resolution of conflicts between groups and persons through normal democratic means; however, when political institutions fail to do so, constitutional issues often end up in the courts. The subsequent questions before the courts then end up being legal and completely political in nature. While this may help to strengthen the constitutional review, it also may place the judiciary at political risk (Zehra et al., 2025).

This tension is well-known in the post 2000 era. The judiciary became an important voice on issues of executive powers, elections, constitutional changes, fundamental rights and institutional appointments. The growing number of judicial cases gave a greater voice to the notion that political power ought to be subject to some restraint and necessary conditions, those of the constitution. Meanwhile, the intensive judicial involvement it did attract, brought up questions of institutional limits and scope of judicial competence.

More recent research on judicial activism also highlights the need for striking the proper balance between judicial review and functional space of the executive (S. H. Khan & Zubair, 2023). Diffused authority within the judiciary and between courts and other branches of government is a hallmark of constitutionalism. It is an institutional arrangement and each branch must have its constitutional mandate as well as be accountable to the constitutional framework.

Therefore, the message from the military and the judiciary's past in Pakistan is not just about the unpalatability of military interventions or about judicial sentence's always being subordinate to political elections. What matters is that the lesson to be drawn is that constitutionalism needs institutional continuity. However, a constitutional culture is undermined as constitutional rules are repeatedly violated, political actors are used to constitutional exceptions and courts are involved with extraordinary political issues.

Today the challenge is to shift from a constitutional culture of crisis management to a constitutional culture of constitutional normality. The constitutional superiority must not rely on the tastes of specific governments, military dictatorship or on the majority of judges. It should, instead, go from being a one-off, to being an institutional expectation spread throughout the political system.

5. Islamization, Fundamental Rights and the Meaning of Constitutional Citizenship

In Pakistan, Islam and democratic constitutionalism have always been in a dynamic relationship that determines the nature of the constitutional identity of Pakistan. It was significantly strengthened during the era of General Zia ul Haq when Islamization was being followed, not only as a political agenda, but by reshaping the constitution and laws.

This time is of special importance not only for each measure or law. With the process of Islamization, another set of constitutional terms used to talk of state legitimacy, legislation, rights and citizenship were transformed. The incorporation of the Objectives Resolution in the Constitution as Article 2A was very important for giving constitutional support to the basic ideological statement of 1949 and the working Constitution.

Political implications of this are still in debate. The first reading, sees Islamization as the realization of the ideological objectives related to the making of Pakistan. In another perspective, it is an extension of Christianity or religion in the constitution and the executive arm. The third approach is based on the fact that Islam and democracy need not clash, but the constitutional systems must be defined as to how the Islamic principles are working in democracy and a modern rights based state (Ahmed & Brasted, 2021b). This issue of citizenship is particularly crucial. What is necessary for constitutional citizenship, is that individuals have rights, not just as members of a majority, but as equal participants in a constitutional order. Pakistan's constitutional history proves the challenge in upholding this concept where constitutional identity is perceived along religious lines as well (Farhat, 2019).

Also, the constitutional recognition of Islam has had an influence on the discussion about the minorities. There are guarantees of freedom of religion and equal rights in the Constitution, but, sometimes political and social practices do not match up with constitutional ideals (Farhat, 2019). In the process, there is some disparity observed between the constitutional promise and lived citizenship which this implies, showing that it is not comprehensive to imagine constitutionalism measured solely in terms of the rights it incorporates in the text.

Consequently, the constitutional recognition of Islam has in itself become a source of political conflict as the constitutional framework has sometimes provided insufficiently stable institutional means for reconciling Islam with other political (and social) claims (Ahmad & Ahmed, 2021c). This observation is crucial because it moves the discussion from a binary setting, Islam in the constitution or not, to a more complex setting – how should Islam be institutionally interpreted to be made a part of the constitution?. The other side of this equation of the Constitution is fundamental rights. The Constitution of 1973 lists out a long list of rights on life, liberty, equality, speech, association, religion, education and property, and due process. However, without a court, legislatures, administrative bodies or political parties to respect and enforce the rights outlined in the constitution, the notions of these rights remain inanimate. It is at this point where the idea of constitutionalism differs from that of constitutional text. A state can have a robust rights chapter and at the same time have challenges of enforcement (Posner, 2014). True to its well-known saying, Canada is merely as constitutional as its political majority and state institutions are willing to make it, based on whether the latter recognize the constitutional rights as real constraints to public authority.

In this context, the dynamic between the majority rule and rights for the minority is quite relevant. While popular participation in the process of decision-making and majority rule constitutes the foundation of democracy, constitutional democracy puts also substantive constraints upon majority rule. An electoral majority has no right whatsoever to produce constitutional government into freedom of unrestricted majority rule.

Thus, the safeguard of the rights of minorities is important to measure the maturity of a constitution. In this context, constitutional courts play a key role as judicial review acts as a counter-majoritarian role in the absence of effective political institutions to defend vulnerable groups (Gouda & Hanafy, 2022b). However, courts cannot exercise this role without limits in the principled field of the Constitution, otherwise the role of the protection of rights becomes a means of anti-democratic government.

The history of the Constitution of Pakistan thus shows that the identity of Islam, democracy and fundamental rights is incompatible with each other as three separate constitutional categories. They are all part of the constitutional battle. The key question is to what extent and how can such principles be captured into institutions which do not compromise on equal citizenship and constitutional freedom while ensuring protection of religious identity?

A fully formed constitutional regime cannot be built without giving up on an ideological stance. It demands the establishment of institutional mechanisms that can deal with conflict in a constitutional way. The challenge of the Constitution in Pakistan is thus on the one hand to transform rival identity understandings into that of constitutional citizenship and on the other hand, that political conflicts do not compromise the equal legal standing.

6. The Eighteenth Amendment and the Reconfiguration of Federal Constitutionalism

The Federal Constitution during the War of 1812 and the Planter Class in the Chesapeake Region Among the most significant constitutional changes responding to Pakistan's political history has been the Eighteenth Amendment to the Constitution which took place in 2010. You can't just read the provisions it was amending and see why it was important. It was also an attempt to adjust some of the institutional effects of authoritarian constitutionalism and to reinvigorate the constitutional order to be more parliamentary and federal.

The political context was very important, following a military rule the amendment was passed during a time when political parties were wanting to be represented again through the representative institute. The sum of its agreement was of itself constitutionally noteworthy. It would be an amendment born out of a lengthy political process, not a single political party but between parliamentary political parties.

Its main effect was to give a boost to parliamentary government. The amendment eliminated or needed to decrease a couple of attributes that had expanded presidential powers and returned the Prime Minister and Parliament back to a more pivotal place in the constitution. This marked a tone change from the earlier political ones related to the presidents.

The amendment was scar downright necessary for federalism, too. The history of Pakistan has so far clearly proved that the high degree of centralization might lead to grievances amongst the provinces. As a result, the Eighteenth Amendment devolved significant legislative and administrative powers to the provinces, and modified the relationship between the federation and the federating units.

The amendment to the Constitution is one of the most important components of the decentralization debate in its effects, as it does not only alter the way the powers are distributed but also alters the type of institutional bargains that federal and province-level actors engage in (Rana, 2020). But devolution hasn't in itself led to effective federalism. Hand over the constitutional power and be able to use it, that is different.

The execution issue represents one of the key aspects of the Pakistani constitutionalism. For better or worse, constitutional reform can impact formal institutional relationships without immediately impacting the political and bureaucratic behavior. Federal institutions might be opposed to decentralization and provincial institutions might not have administrative capacity to take up greater responsibilities (Mirza & Fatima, 2021).

It also, wanted to make the institutional significance of the Council of Common Interests stronger and changed the constitutional climate for center-province negotiations. Federalism thereby turned into a means of governing political differences.

This is significant especially in the light of Pakistan's past. Through the separation of East Pakistan the risks of political exclusion and over-centralization have been shown. The later constitutional arrangement more and more started accepting the fact that in a process of national integration meaningful participation by the federating units must be encouraged.

The Eighteenth Amendment has been recently linked to the democratic consolidation. The point is, however, not that the amendment solved democratic issues faced by Pakistan, but it did make parliamentary government, autonomy of the provinces, constitutional continuity and continuity of political systems more relevant aspects of political life overall this positive change happened as a consequence of the amendment (Qaisrani et al., 2021).

Other scholarship also sees the amendment as a significant shift of federal powers and highlights the ongoing debate on the distribution of powers between the federal and provincial levels (Gaho et al., 2022). But such controversies are not necessarily a sign of the failure of the constitution. Federalism is a process of negotiation; disagreement between levels of government can be constitutionally healthy, where it is resolved in institutional processes provided for in the Constitution.

The amendment also is of symbolic significance. It proved that change in the nature of the constitution was to come not from the military or the judiciary, but from the Parliament itself. This was a major shift from that of constitutional development up to this time..

Nevertheless, it is wrong to romanticize the Eighteenth Amendment. Its response has been patchy and political squabbling over resources and administrative control, education, health, taxes, as well as national standards, persists. Thus, in Pakistan federalism is a worked less practice in constitution making. The historical significance of the Eighteenth Amendment can be summed up by the fact that it sought to change the character of constitutional state from a centralized and executive-based one into a more parliamentary and federal one. How far that transformation will persist in the future will depend on political institutions which move towards a constitutional culture of good faith federalism.

7. Contemporary Constitutionalism: Judicial Independence, the Twenty-Sixth Amendment and the Continuing Historical Cycle

It would be impossible to break the continuity of the historical patterns already mentioned in discussing the contemporary constitutionalism in Pakistan. The present constitutional issues facing Pakistan, such as judicial independence, separation of power, fundamental rights, institutional legitimacy, and federalism are all versions of historic constitutional conflicts.

An important example of constitutional adapting to historical political situations is the Twenty-Fifth Amendment consolidating the former Federally Administered Tribal Areas (FATA) to Khyber Pakhtunkhwa. The "reform" seemed a recognition that a special territorial set-up could not stay outside the general parameters of the federal constitution. It did not only have territorial administrative importance, however, it was an attempt towards making political integration constitutional (Cheema & Yousaf, 2020).

Judicial Independence, however, became the focus of the current debate on the Constitution when the Twenty-Sixth Amendment was ratified in 2024. It amended some of the terms of the judicial appointment, and the mechanism the constitution uses to determine these constitutional questions. The reforms were described as being in the interests of greater accountability and efficiency of the courts, while others questioned the political pressures and separation of powers that will influence them.

This is nothing new, historically. So far, constitutional reform has to be Iran's history is clear evidence, Pakistan's constitutional history has repeatedly shown that institutional reform is possible only in the midst of the conflict between the different wings of government. The major changes today are that constitutional debate occurs in a relatively institutionalized institutional context involving Parliament, the judiciary, party politics, civil society and the media who begin competing in terms of definitions of constitutional legitimacy.

Judicial independence has thus been a major emphasis of the last scholarship on the Twenty-Sixth Amendment. The text of the amendment may affect the equilibrium between being an independent judiciary and the influence of parliament and the executive, particularly issues of judicial appointments and bench settings (Muhammad & Ali, 2025). In a similar vein, other analysis has doubted the extent to which the reform also improves accountability and plays a role in tightening the institutional autonomy essential for the effective constitutional oversight (S. Khan, 2025).

Don't look at the developments just in the political context of 2024. These are events to be set against the background of the longer history of constitutional conflicts about the final institutional say in the construction of the Constitution.

This is due to the nature of the constitution role of the judges which is sensitive and we found that constitutional court is standing as a middle ground between law and politics. While courts need to have constitutional authority for the protection of constitutional supremacy and basic rights, the courts' authority must be grounded in democratic legitimacy. In a constitutional democracy, there is a conflict between 'rule of the majority' and 'protection of minorities'. What is difficult is to contain the drift towards using courts as a tool for political majorities and the temptation to make it an alternative to democratic institutions.

This is a pertinent point in Pakistan where the expansion of judicial review has been a historical response to a lack of ability or willingness of political institutions to settle constitutional issues. While judicialization can improve accountability to the Constitution, over-seeing by the courts can further exacerbate conflict between institutions.

Thus, the Twenty-Sixth Amendment ought to be considered in the broad constitutional context that no one branch should be able to control the constitutional system. Though Parliament, it is important to stress, can only be legitimate but parliamentary majorities are still constitutionally bound. The independence of judges is also crucial and adds that the judicial power should be anchored in the Constitution and principle and have institutional responsibilities.

Also evidenced in the contemporary debate, constitutionalism does not imply constitutional amendment. Although amendments are legitimate instruments of constitutional development, if they are used repeatedly or for politically motivated reasons this might reduce the stability of the constitution becoming means for some political short-term gains. The changes in the constitution should thus meet the criteria of deliberation, transparency, balance among the institutions and respect to the root principles of the constitution.

However, there is hope in the recent constitutional developments in Pakistan. The persistence of constitutional means of dealing with political and institutional conflicts suggest that Constitutional language enter plays in political legitimization. Political actors are not denying constitutional authority, but have looked more and more for a constitutional basis to substantiate their views. This is a significant step towards a constitutional culture.

But simply using constitutional language is not enough to achieve constitutional maturity. It need have political actors accept the constraint of the constitution even if it seems to be against their own interests. A healthy constitutional system is one that exhibits constitutional permanence, constitutional persistence and constitutional stability.

Today's challenge for the Pakistani constitution, in other words, is how to make constitutionalism a way of governance and not merely a tool to be deployed when needed during political crisis. History shows that constitutions outlast political change, but that constitutional democracy can only thrive if the institutions get used to managing political differences in constitutional ways.

8. Conclusion

The constitutional history of Pakistan reveals that constitutions are not in isolation and exist outside the political contexts in which they work. The Constitution can be seen not only as a product of political history, but as a tool to then influence political history. The objectives of Resolution in pre-nationhood days and the issue of judicial independence in the current days told much about the incestuous debates regarding sovereignty, democracy, federalism, religion, fundamental rights and institutional powers in the constitutional development of Pakistan.

The Objectives Resolution laid the basic conflict between Godliness and representative government. It wasn't a perfect solution to the question of Islam and democracy, but was a constitutional structure in which the relationship between Islam and democracy would be continued to be discussed. The constitutional experiences of 1956 and 1962 in turn showed the results of institutions instability and executive concentration. The Constitution of 1973 was another more consensual exercise to restore the

parliamentary government and federal balance that had been jolted and upset during the traumatic political history of 1971.

It was then demonstrated by military interventions how fragile are constitutional institutions at the time of the exercise of political power outside constitutional processes. The judiciary came up as a particularly important player in this history. Its conflict between constitutionalism, independence of the institution and pressure from the political sphere illustrated that constitutionalism is not only a question of judicial power, but a question of judicial legitimacy and restraint of the institution.

There was also a new feature to the constitutional debate with the advent of Islamization. The construction of the constitutional identity of Pakistan took place with Islamic values, democracy and basic rights. The ongoing challenge has been how to prevent this being negated by their ideological identity, so that their citizenship and constitutional protections are equal to everyone else and that minorities are not being choked.

The Eighteenth amendment was a huge attempt to take into account the hard-learned lessons of their political history. It brought back in a sense a parliamentary form of government and reinforced the principles of federalism, in an effort to mitigate the constitutional impact of centralism and authoritarianism. But its implementation also showed that change in the texts of the constitution alone cannot bring change in institutions. Political and bureaucratic practices need to change in conjunction with formal rules.

This is what continues the process today: Constitutionalism as it is lived. The Twenty-Fifth Amendment proved that it is feasible to incorporate territories, which in their history have enjoyed special charters, into the general body of the Constitution; the Twenty-Sixth Amendment has revived fundamental issues related to judicial independence and the separation of powers. All these indicate that the constitution of Pakistan continues to be a Zone of Political Negotiation. It is therefore concluded from the above exercise that the history of constitutionalism in Pakistan can not be seen as a mere transition from democracy to authoritarianism. A more precise description would be that it is ongoing struggles of contestation and flux between institutional visions of political authority and legitimacy. Repeatedly amendments in constitution, judgments by the judiciary, federal changes and ideological provisions have made attempts to resolve this struggle, none has been able to resolve it forever.

The future of constitutionalism in Pakistan thus is not about the generation of any further constitutional output rather about the cultivation and grooming of the constitutional culture. Political parties need to accept electoral and institutional constraints; Parliament needs to respect constitutional rights; executive needs to be within legal bounds; courts need to respect constitutional supremacy and institutional constraints; and federal institutions need to accept provincial autonomy as a principle of the Constitution, rather than as a political compromise.

In the end, it will not matter whether the Constitution of Pakistan has many or few numbers of amendments or how many times it has been quoted by the political circles but the real test will come when the public power will be exercised within the confines of the Constitution. The political evolution of Pakistan shows that constitution can survive in her despite of great turbulence in the politics. The unfinished once is making that survival into a constitutional stability. So contemporary constitutionalism must be understood to be the next step of a historical mileage, the work to shape constitutional

supremacy, democratic legitimacy, accountability of institutions, federalism and the doctrines of fundamental rights into a co-enabling as opposed to competing framework of consolidation of the Pakistani state

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