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**THE FUTURE OF CONSTITUTIONAL GOVERNANCE IN  
PAKISTAN: PROSPECTS AND CHALLENGES**

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**Abstract**

*This article critically examines the prospects and challenges facing constitutional governance in Pakistan, focusing on the evolving dynamics that influence its legal and political framework. As Pakistan navigates through a complex matrix of political instability, military influence, and judicial activism, the integrity and efficacy of its constitution are continually tested. The study explores key factors that will shape the future of constitutional governance in Pakistan, including legal reforms, the role of civil society, and the balance of power among the branches of government. The analysis begins with an overview of Pakistan's constitutional history, highlighting the frequent amendments and interruptions by military coups that have undermined democratic governance. It discusses recent efforts towards constitutional reform, which aim to strengthen democratic institutions and ensure greater judicial independence. The role of the Supreme Court in asserting its authority over other branches of government, often stepping into political domains through judicial activism, is also critically evaluated. Furthermore, the article addresses the ongoing challenges such as political corruption, lack of transparency, and the influence of external powers on domestic policies. These issues pose significant obstacles to the constitutional mandate of democracy and rule of law. The paper also considers the impact of regional instability and internal security issues, which have historically justified the extension of military authority at the expense of civilian rule. In conclusion, "The Future of Constitutional Governance in Pakistan: Prospects and Challenges" provides insights into the ongoing struggle for a*

*stable and effective constitutional governance system in Pakistan. It offers recommendations for fostering a balanced power distribution, enhancing legal education, and promoting civic engagement as essential steps towards sustainable constitutional governance.*

**Keywords:** *Pakistan, constitutional governance, legal reforms, judicial activism, democratic institutions, military influence, rule of law, political stability, civic engagement, regional instability*

## **Introduction**

The primary objective of constitutional governance is fundamentally to limit government authority and to clearly define the boundaries of state power. This crucial limitation, along with the corresponding freedoms that it encompasses, is not absolute in nature; rather, it coexists in a harmonious manner within the larger societal framework. The principle of "government under law" acts as a pivotal concept that has significantly transformed human perspectives and beliefs regarding the nature of governance and individual liberties. However, it is quite unfortunate that the adherence to the constitutional provisions both in their letter and spirit has not been consistent over time (Tierney, 2022). In the case of Pakistan, the government has experienced numerous shifts through various forms of administration throughout its history. Nevertheless, the fundamental principles of constitutionalism, which have resonated deeply with the aspirations of the populace for more than a millennium, continue to evolve in Pakistan. This evolution draws strength and inspiration from the country's historical roots and collective experiences, which have shaped its unique identity and governance structure (Mumtaz et al.2024).

The rejuvenation of Pakistan's resilience fundamentally lies in the remarkable ability of its diverse people to adapt themselves effectively to a democratic society that thrives on inclusion and representation. Islam stands as the dominant method of motivation deeply rooted in personal life and community interactions, reflecting not only the drive and character but also the collective behavior of the people as a whole. Their collective vitality, spirit, and strength are crucially essential to support Pakistan's future objectives and aspirations, which largely depend on the preservation of the richly woven authenticity of Western liberal heritage. This, when harmonized with an efficacious democratic order, contributes significantly to the nation's growth and unity. It is within the essence of these secular norms that the country can cultivate a society that permits a diverse range of beliefs and perspectives, drawing strength from the fundamental tenets of Islam. The principles of justice and equality embedded here determine the quality, trajectory, and overall direction of Pakistan as 'a sovereign democratic state.' Enshrined within this affirmation is the vital concept of tolerance, moderation, and the accommodation of the diverse facets of people's knowledge, religious beliefs, and their unique sociocultural values (Malik and Rasheed2024). Such understanding and acceptance are essential

for fostering an environment of peace and cooperation that encompasses all aspects of society, further nurturing the ties that bind the different communities together under a shared vision of a prosperous future.

### **Current State of Constitutional Governance in Pakistan:**

Underlying structural impediments often make the restoration of democratic norms and practices incredibly challenging and complex. Pakistan is currently mired in what is now its fourth era of military rule, a troubling record that raises concerns about the future of democratic governance in the country. Each time democracy is derailed, the process of revival becomes increasingly difficult; the essential norms and institutions of civilian governance gradually weaken, while simultaneously, the military's grip on power becomes stronger and more entrenched. The structure and behavior of the military in Pakistan have been shaped by a variety of influences, including the country's strategic geographic location, the military's own strategic calculus, and the overall inability of native political forces to construct a stable, effective, and well-functioning state (Noor, 2023). The unfortunate result has been a military establishment that not only claims absolute power but also operates under a constant state of fear, convinced that any genuine challenge to its authority could lead to a complete collapse of the state. Pakistan has long been a frontline state in numerous conflicts, both regional and international, and in this complex scenario, non-state actors such as militias and radical organizations have played a substantial and often critical role in these struggles, further complicating the political landscape and the chances for a return to democratic norms (Hussain & Ali Naqvi, 2024).

This paper does not raise doubts about the critical significance of holding regular elections as a principal method to instill and cement democratic norms and practices within any society. However, to ensure that democratic governance is able to genuinely take root and maintain consistency within a given society, the fundamental challenge lies in creating robust systems and processes that actively foster democratic engagement across all segments of society. It is essential to promote and nurture a culture of "living" democracy, where democratic values are not just theoretical but are practically lived and experienced (Daraghmi et al., 2024). Moreover, it is vital to embed comprehensive mechanisms that ensure all institutions conform to and uphold democratic norms and principles, reinforcing the framework of democracy. The military has unwaveringly remained a constant, relatively efficient, and often "responsive" institution within this context. In Pakistan, the military trains significantly more officers than the conventional army necessitates, which in turn provides valuable employment opportunities and serves as a pathway to upward mobility for many of the sons belonging to the middle-class conservative Punjab aristocracy more so than other existing institutions can offer (Bell, 2022). The benefits of a conventional army that contributes effectively to

international peacekeeping missions add additional layers of motivation for many individuals in society. Consequently, any significant assault on the military's traditionally privileged position within Pakistani society can appear to pose a threat not only to civilian leaders but also to society at large, particularly for those individuals and groups for whom the military has often played a dual role. It acts as both a protective parent to the nation-state and a crucial facilitator of various social and economic aspirations, ensuring that stability is preserved while enabling progression and growth within the broader community.

### **Prospects for Constitutional Governance:**

The prospects and challenges for constitutional governance confronted the Pakistani polity upon gaining independence in 1947. Initially, the site of power struggled persistently between the federal center and the provinces, where the former sought fervently to escape relatively unscathed from the long shadow that partition had cast over the nascent state of Pakistan. As the cascading center-province confrontation commenced, implementing constitutional governance was significantly stymied by truncated state building, inconsequential political independence, a drastically changed international environment, and the wrenching loss of approximately 14.5 percent of its population due to the upheaval and migration that accompanied partition. Subsequent crises resulted from the casting of the state in increasingly religious terms, the resort to nonpartisanship for political expediency, and the ideological warfare that characterized a standing agenda (AL-Kubaisi et al.2024). The road that the Quaid would ultimately have preferred for Pakistan would take the nation from the pre-partition political game, entrenched in colonial rule, to a fervent struggle for the constitutional rule of law that is essential for a stable democracy.

Today's proponents of a forthright and unhindered struggle on behalf of the ideals of constitutional governance find that their enlightened visions are obscured by the dense fog of intellectual war, the persistent smoke and acrimony of ongoing ideological struggle, and pervasive confusion about the fundamentally different approaches to resolving disputes after utilizing state power versus managing conflicts that remain in a state of abeyance. They rapidly and often dishearteningly experience the demoralizing realization that democratic theory is not magically conterminous with either liberal theory or the realities of liberal practice (Dean, 2024). Furthermore, the formal political processes are merely the beginning of a far more complex journey, not the conclusive end, of the broader democratic process. Compliance with the multifaceted rules and sanctions of the game provides no unequivocal assurance that the game itself is worth the candle in the first place. The proponents of constitutional governance are, in fact, not living in a fanciful dreamland detached from reality. In reality, of all the discordant voices surrounding the state of the constitution at various levels, theirs is the voice that is offering the most realistic hopes

for the future. The best hope for Pakistan, as many analysts and political thinkers argue, lies in fostering a spirit of consensus, not confrontation, and fully embracing the principles of constitutional democracy, not succumbing to the pitfalls of realpolitik, which often leads to governance devoid of the rule of law.

• **Potential positive developments in constitutional governance**

Much as the above pessimism seems to be fully justified, there are a number of factors and developments, both within Pakistan and at the international level, that could support the cause of constitutional governance in Pakistan and provide a basis for some qualified and cautious optimism about its prospective outcomes. Such factors include the following developments: substantial institutional reform towards parliamentary democracy, enhanced federalism, and a fairer redistribution of resources from the federal to the provincial level; the opportunities provided by an emergent electronic and telecommunications revolution; capable and organized movements for procedural and substantive reforms within Pakistan; the fact that Pakistan is located in a world where, in terms of constitutional norms, governance does indeed show a marked preference for participation over exclusion and the processes of constitutionalism and competition may be the means by which political elites secure broad-based support for the compromising measures necessary to compete in world economic markets (Khan et al.2022).

No less important is the fact that we are living in a period during which one of the world's great ideologies is in the process of extinction: the belief that the state can successfully shape the world to conform to a vision of what is right and good. Most important, almost no one in the world today seriously contends that some better, non-constitutional equilibrium could or should exist. Not only is this serious age of realism capable of greatly reducing the temptation, particularly in times of stress, to abandon constitutional constraints in favor of some purportedly more efficient system, but also it creates an advantageous climate that greatly reduces the suspense regarding which regime will succeed the constitutional equilibrium. Property, contract, and tort law have emerged as the global legal regime and this is not a likely successor. With changes of global impact, such as the strong impetus towards democracy and human rights that have been currently acquiring, Pakistan and its constitutional governance is, in effect, placed on the right side of history. It is towards the ready capture of the benefits flowing from being on the right side of constitutional governance that Pakistan's next phase of its constitutional evolution has to be directed.

• **Role of civil society and media in promoting constitutional norms**

Civil society holds a crucial and significant role in the ongoing process of constitutionalism. The arena of civil society encompasses not only the more traditional non-governmental organizations but also includes a wide range of entities such as trade unions, employers' organizations, cooperative

societies, as well as numerous other bodies that operate under specific regulations and rules intended to place limits on the powers of majorities. These various organizations and associations can contribute meaningfully to the establishment and nurturing of constitutional democratic values within society. The presence of these intermediate institutions is vital for two key reasons. First and foremost, they empower individuals by facilitating opportunities for collective action to pursue and fulfill functions that cannot be efficiently or adequately provided by the state infrastructure alone (Arato & Cohen, 2022). Furthermore, the internal pluralism of society is vividly expressed through the existence of a rich tapestry of diverse interest groups, including those from the business sector, labor movements, environmental advocates, educational institutions, ethnic communities, religious groups, and a host of other organizations. This diversity serves as a wellspring of strength, proving essential for the flourishing of constitutional democracy. By assisting in the definition, articulation, and representation of competing interests, these groups not only furnish variety but also play a crucial role in counteracting the pervasive tendency toward the potential despotism of majority rule, thus safeguarding the democratic fabric of society (Clarke, 2022).

Social groups emerge as legitimate bearers of constitutional values, not solely due to the various meanings individuals ascribe to these value terms but fundamentally because such meanings are most accurately expressed and articulated within groups capable of engaging in political debate. These groups serve an essential function as a dynamic means through which democratic values are transmitted effectively from one generation to the next and from one segment of the community to another. The ongoing need to revitalize the role of civil society is emphasized by the necessity to engage and reconnect the institutions of government with the numerous voluntary associations that operate in every conceivable field of human action, with the exception of those actions that are explicitly forbidden. This has been a recurrent theme in public discourse and political thought in recent years, highlighting the importance of collaboration between formal governance structures and grassroots organizations in fostering a more active and participatory democracy. The interplay between these social groups and governmental institutions can lead to a robust dialogue that enriches the understanding of constitutional values and cultivates a more inclusive environment for diverse perspectives (Qaisrani & Mushtaq, 2024).

#### • **Impact of recent judicial decisions on governance**

In this particular context, we aim to conduct a comprehensive and detailed evaluation of the extent to which judicial activity has influenced governance in Pakistan. Specifically, we will examine the various ways in which judicial activities have played a role in shaping governance structures and outcomes. We will also identify crucial key indicators that can be effectively utilized to assess governance in a systematic manner. Furthermore, we will

explore the multifaceted interactions between judicial activities and their impacts on the governance process within the country. Before we engage in an exhaustive empirical analysis of recent judicial rulings and their significant connections to governance in Pakistan, it is essential to first establish a well-defined and specific timeframe of judicial activity that we are going to examine. This will help in framing our approach and understanding the historical context of judicial interventions. Additionally, we will take steps to establish comprehensive methods and criteria for our data collection processes that relate specifically to governance, focusing on judicial outcomes especially in developing nations like Pakistan. It will be important for us to pay particular attention to the recent period marked by substantial changes and developments that have occurred in the judicial landscape, which have undoubtedly influenced broader governance issues (Tunio & Nabi, 2021).

Judicial independence has widely been recognized as an essential prerequisite for the continued survival and thriving of democratic and constitutional order within any society. A purposive and effective judicial institution serves as a critical guarantor of the protection of civil rights and individual liberties against the potential tyranny of the majority, which can often arise in times of upheaval or change. In this important regard, a court stands apart from other governmental counterparts, functioning not only as an arbiter of disputes but also acting as a robust mechanism of checks and balances concerning the powers of the state. This crucial role ensures that no single branch of government can overreach its boundaries or infringe upon the rights of citizens. However, such vital protective attributes often have an inverse relationship with political and economic stability on the one hand, and judicial performance on the other hand (Smith, 2022). Regardless of the methodology used to establish empirical results through various studies and analyses, judges in developing countries frequently receive the obvious labels of being independent, honest, accountable, and yet simultaneously perceived as anti-reform in their practices and attitudes towards necessary changes in the legal system. This paradox raises significant questions about the true nature of judicial independence in contexts where institutional integrity is often challenged.

#### • Possible reforms and their implications for democracy and stability

In order to effectively engineer a truly vibrant and resilient political culture, and to proactively prevent the alarming and concerning rise of autocratic rule and governance in the future, an extensive range of comprehensive systemic reforms will be fundamentally needed and vital for success. These reforms must be directed specifically at enhancing and bolstering the critical areas of law, public administration, and political accountability. At the foundational level of the constitution and law, it is particularly useful and necessary to carefully consider a wide range of specific issues that can significantly help in thwarting potential autocratic designs and tendencies

in the years to come. This consideration is especially important even as Pakistan strives diligently to improve and elevate its political heritage that is often marked by a troubling and challenging history of military rule. There is a widespread consensus among experts and political analysts that the existing power structure delineated in the Constitution is excessively centralized, which in turn creates a significant power imbalance, resulting in a situation where the provinces, with the notable and distinguishing exception of Punjab, function almost exclusively as mere creatures of the overarching federal government (Colón-Ríos et al.2021).

At the micro level of public administration, the bureaucracy in Pakistan has remained monumentally powerful and influential in many respects, but it is also strikingly unaccountable and insufficiently regulated, which raises concerns about governance. The third crucial stabilizer that can help curb political power abuse is the Parliament, which plays a vital and indispensable role in the democratic process. It would be an egregiously serious and consequential mistake to intensify the federal executive's power relative to the provinces, a suggestion that is often put forward by various factions (Chaudhary et al., 2023). Arguably, the Pakistani establishment's ongoing and constant focus on maintaining secrecy in numerous financial dealings, state operations, state policies, and diplomatic relations is deeply rooted in the ruling classes' inherent need for deception and manipulation, treating these tactics as essential tools for their own preservation and survival, rather than as a genuine response to any legitimate security threats faced by the country at large and its citizens.

### **Challenges Facing Constitutional Governance**

The role of a constitution is to establish the legitimacy of state power in the eyes of its citizens. Upon gaining independence, Pakistan committed to this principle and sought to create a robust constitutional framework. Although there have been interruptions in its constitutional narrative, the country has successfully reinstated critical constitutional elements over time. Even when faced with reforms, Pakistan has managed to reconstitute its governance structure, despite experiencing a significant period dominated by personal rule lasting twenty-three years. The prospective success of Pakistan relies on effective constitutional governance, deeply anchored in an enforceable constitution, as opposed to arbitrary and personalized authority. The nation's ability to endure, progress, and flourish as both a state and a benevolent society is fundamentally tied to the establishment or re-establishment of a sound constitution. A constitutional system empowers citizens to collaboratively and competitively define the governance rules that apply to them (Khan et al.2022).

The notion of constitutional governance possesses significance solely within a framework of law; it is within this very context that the principles of law and legality can function effectively as guardians for the individual rights of citizens and also safeguard the rich diversity present within the society.



Moreover, these principles serve as a driving force for political and societal moderation, promoting stability and harmony. The paramount protection for each individual lies in the existence, establishment, and diligent management of a government that is both confined and constrained by a well-defined constitution (Razak et al., 2023). Bearing these important truths in mind, a wide array of stakeholders in Pakistan has recently come together to advocate for the revitalization of constitutional governance. The consensus among these stakeholders is clear and resounding: only through the framework of constitutional governance can effective solutions to the myriad problems confronting Pakistan in the twenty-first century be identified and implemented, whether these issues are domestic challenges or those stemming from international interactions. The formidable challenge before us is to ensure that Pakistan remains intact and functional upon a solid lawful foundation. However, an honest and dispassionate evaluation of the numerous difficulties that obstruct the establishment of constitutional governance is absolutely essential; such a stance necessitates a readiness and willingness to recognize these obstacles and then to actively confront them as they emerge, thereby allowing for meaningful progress (Hussain et al.2024).

• **Political instability and its impact on constitutional processes**

Pakistan's constitutional journey has been profoundly disturbed by recurring instability in the political order, resulting in a highly contentious and tumultuous environment. In its initial decades, the political landscape was hardly characterized by a single cohesive order; instead, it was rather a series of highly controversial and often violent military secessions that fundamentally lacked any semblance of political coherence. This troubling bifurcation in the state order was further exacerbated by the inherited assumptions and interpretations of the Holy Law, which governed even more tightly the intricate legal regime of the ambitiously constructed ideological state. The newly emerging state order was frequently distracted by the enduring constraints and deep-seated contradictions that not only accompany the complex realization of religious mystique in legal frameworks but also raise critical and challenging questions about the articulation and effective enforcement of such highly idealistic Utopian constructs within a constitutional order. As time progressed, later constitution-making efforts were compelled to confront the mutually reinforcing and competing challenges that are engendered by a larger, more intricate, and diverse society, further complicating the already tumultuous process of constitution-building. This ongoing struggle has significantly influenced Pakistan's democratic development (Salman, 2021).

The extremes of political instability that have been inherent to the convoluted and often tumultuous process of constitutional-making give compelling evidence of that ongoing struggle. No other country in the world has experienced the remarkable phenomenon of having five distinct

constitutions in a remarkably short period of just seven decades. In no other nation will you find the frequent, and at times alarming, use of a power that consistently acts as the ultimate final arbiter to decisively conclude the contentious days of political strife for one of the warring factions embroiled in the deeply entrenched constitutional quarrel. Instead of merely exploring justifications, whether real or contrived, for its often controversial interventions in the highly charged political process, Pakistani constitutional theorists have found themselves compelled to engage thoroughly in the intricate political economy of military rule to carefully determine the underlying causes and multifaceted consequences of such often tragic and unpredictable political brinkmanship.

#### • **Issues of federalism and provincial autonomy**

The extent to which the proposed presidential system provides for a strong and fiercely independent provincial government has always been a deeply controversial question in Pakistan's ongoing constitutional and political debates. It is important to note that Pakistan's political and social economy is changing in significant and multifaceted ways, both from below as well as from above. The economic and financial resources, as well as the talents and capacities that drive productivity, are increasingly based in thriving cities and in various provinces of Pakistan. The regional capital flows to and from a multitude of cities remain the indispensable backbone of Pakistan's economy, just as the regional flows of goods, services, and people contribute to overall economic vitality. Increasingly, provincial actors are also becoming important global participants and influential players in the increasingly competitive expedition of exports and in the complex task of shaping national trade policies. Yet despite the regional economic powers hidden within various identities, ideologies, and interests, Pakistan's politics remains heavily dominated by the central federation (Malik, 2023). The presidency, the central government, the single national assembly, the single judiciary, and the single bank together maintained a comprehensive set of significant responsibilities and decision-making authority centralized in Islamabad. This pronounced centralization greatly weakened the power and authority of Pakistan's provinces, which were left with only limited influence over their own destinies. While they managed to retain their historic boards of revenue, invaluable institutions reflecting their long-standing administrative legacies, the provinces also held onto their traditional civil and criminal laws, laws that embody and showcase their rich and diverse cultural heritage. However, they continued to suffer from a woefully inadequate lack of vital developmental, fiscal, and regulatory capacities. These persistent deficiencies seriously hindered the provinces' ability to pursue the establishment of a more horizontal, flatter structure that would facilitate a much greater degree of devolution and a more equitable sharing of both responsibilities and resources among all regions of the country. Consequently, the provinces found it increasingly difficult to

navigate the complexities of governance and development in an environment that was heavily dominated by central authority.

• **Corruption and lack of transparency in governance**

Corruption and a profound lack of transparency in governance represent a significant and daunting risk to vital aspects such as national investment, employment opportunities, economic growth, public revenue generation, fiscal discipline, and the essence of democracy itself. The Pakistani economy has incurred substantial economic and financial losses over the past several decades, primarily due to the rampant misuse of public resources, pervasive non-transparency in public office, and widespread systemic corruption. As a direct consequence of this persistent scourge, Pakistan has, somewhat naively, endured ongoing economic stagnation, stark macroeconomic imbalances, and an alarming increase in poverty levels over the years. This troubling issue, which has been evident in numerous developing countries, continues to reveal emerging evidence that suggests the ramifications of corruption in such nations are not just significant but are also far-reaching and obscuring (Mungiu-Pippidi, 2023). To put it differently, the insidious combination of corruption and lack of transparency has severely hindered the overall process of economic and social development, ultimately benefiting only a select handful of corrupt policymakers in various developing nations.

The implications for Gross National Product (GNP) are profound, comparable to the conditions faced during wartime, as these corrupt practices lead to downward spirals in other global well-being indexes. Corruption has increasingly become more about business as usual rather than a purely moral or social issue, and its consequences are overwhelmingly negative. In fact, business ethics in and of themselves translate issues of bribery and corruption into practical actions that are taken by individuals conducting business within these countries (Lohaus and Bussmann 2021). Furthermore, regulatory efficiency is inextricably linked to the occurrence of corruption. Thus, when attempting to gain a comprehensive understanding of the efficiency of regulations in less developed nations, one cannot exclude corruption from the equation. It is insufficient to simply define the primary characteristics of bureaucracy without also analyzing the underlying reasons why regulations and laws fail to be efficiently implemented. This current research contributes valuable insights to the existing literature by illustrating the multifaceted effects and mechanisms through which corruption impacts business-related concerns within a country, with a specific focus on the situation in Pakistan.

• **Challenges in ensuring judicial independence and accountability**

Abro has indicated that the future of constitutional governance in Pakistan could be distinctly favorable if effective, well-considered policies and strategies are introduced to successfully overcome the multitude of current obstacles and difficulties that the nation faces. Nonetheless, it is important

to recognize that the overall integrity of the democratic governance framework may be significantly jeopardized if both political stability and the rule of law are not diligently maintained. Political figures within the country often tend to overlook the constitution with minimal regard for the principles of accountability, frequently operating under the misguided assumption that they exist in a realm exempt from legal constraints (Jatoi & Shah). This leads them to treat the constitution more as a mere suggestion than as a mandatory framework that guides governance and societal conduct. The widespread misuse of power that stems from this attitude often leads to serious constitutional and legal disputes, which in turn can undermine and erode the authority of the judiciary. Within Pakistan's complex legal system, it is crucial that the judiciary cannot afford to overlook its constitutional responsibilities, especially as it faces valid criticisms from litigants regarding its limitations and scope. Furthermore, the judiciary is vested with the important authority to oversee the actions of the executive branch, which generates ongoing concern within the Khan administration regarding the potential consequences of failing to fully comply with future devolution initiatives that are aimed at empowering provincial authorities and enhancing governance on a local level (Cohn, 2021).

Garcia R R Enrique penned that the question of what the judiciary is doing while reviewing legislation or legal provisions, and whether and to what extent the legislature could influence the judiciary in establishing these areas, would also fall under the domain of comparative constitutional law. This would follow that the design of an enabling environment that safeguards judicial independence and promotes an accountable judiciary will necessarily call for an in-depth reflection of the system in which the judiciary operates, and may require the use of comparative constitutional law (Akpuokwe et al. 2024). By examining the solutions that have been put into practice elsewhere, we underscore the challenges in ensuring judicial independence and accountability and elicit pointers as to best practices. In the first section of this study, the underpinning conceptual framework was introduced before a brief review of documented challenges faced in ensuring judicial independence and accountability. In the third section, we considered the road to ensuring judicial independence and accountability before considering the concluding remarks in section four.

### **Role of International Influences**

Hague and Harrop contend that a primary and significant problem in much of the existing writing about politics, particularly in developing countries, is that it fails to adequately take into account the various changes in different forms of political structure that are occurring. More specifically, they argue persuasively that we rarely find any detailed reference to how these significant changes are a reflection of the profound influence exerted by international and transnational forces as well as the expertise that

accompanies them. In their comprehensive study of the third wave of democratization, they pose a number of critical questions, the answers to which will undoubtedly further our understanding of how complex processes will evolve in countries that are concurrently experiencing both internal and external pressures to democratize effectively (Newell, 2021). The primary purpose of this paper is to try and provide some insightful answers to how these external influences significantly affect political development processes in various contexts. What, then, does the international promotion of democracy actually mean in practical terms in these evolving political landscapes?

The answers to these significant and pressing questions are sought in the intricate context of the developing world, and more specifically in Pakistan, a nation with a rich history as a former British colonial territory and one of a select group of countries that, in recent decades, has successfully attained its independence from colonial rule (Ahmed & Tamoor, 2021). This paper begins by meticulously examining the prospects and challenges for establishing a solid foundation of constitutional governance in Pakistan. It then goes on to consider a wide variety of influences that are currently being exerted as well as those that have historically been brought to bear on this nation. These influences are aimed specifically at assisting Pakistan in its journey to develop into a truly functioning constitutional democracy. The paper makes a compelling argument that the political advice, insights, and views expressed to Pakistani politicians by constitutional experts have been remarkably influential in shaping the constitutional tradition that Pakistan inherited at the crucial point of becoming independent. Furthermore, the welfare and developmental concerns that are intrinsically linked to foreign aid, international trade, and private investment continue to play a pivotal role. These concerns are complicated by military and political considerations that have persisted over time and have evolved significantly. They have transitioned from being primarily bilateral issues into broader multilateral and newly developed bilateral concerns, reflecting the ongoing complexities of Pakistan's development trajectory in the global arena.

### **Conclusion**

The avenues for future constitutional evolution in Pakistan are not only diverse but also filled with hope and promise. The main challenge lies in establishing a robust stability that accommodates necessary change, while simultaneously ensuring flexibility that allows for more effective institutional arrangements. In addition, it is vital to lay down a solid foundation that will support sustained growth, development, and progress across all facets of society. Indeed, the vast potential for creativity within Pakistani society is strikingly evident, as demonstrated by the emergence and rapid decline of various political institutions and the remarkable resourcefulness of elite groups in devising flexible and pragmatic constitutional approaches to address their state-related issues. This potential

can be substantiated through both historical examples and logical reasoning. The lessons learned from these instances highlight the importance of adaptability and resilience in the face of evolving political landscapes. As Pakistan navigates its future, embracing democratic principles while addressing systemic challenges will be crucial for ensuring a stable constitutional governance. Reconciling the need for transformative change with the requirement for political stability is a critical endeavor. Ensuring that governments operate in a manner that is both responsible and accountable is essential, as is devising innovative constitutional mechanisms to ensure public participation and protect the richness of institutional diversity. These are the primary challenges faced in adapting the fundamental principle of separation of powers when considering the prospective future of constitutional governance in Pakistan. The ambiguity and contradiction surrounding the concept of all-powerful legislatures, as presented within the theory of separation of powers, finds little relevance or acceptance in the Eastern traditions that significantly influence the region. While it is true that theory and practice may occasionally clash, in the majority of circumstances, they serve as essential foundation stones for meaningful and pragmatic change. The pressing challenge for Pakistan is to cultivate mechanisms that will facilitate the growth of all institutions, acknowledge the critical need for societal participation, and promote institutional diversity. Once changes are implemented, it is equally important to ensure that these changes culminate in stability through the accountability of institutions to the society at large. Ultimately, it falls upon the shoulders of the Pakistani legal community to guide and steer these necessary changes. After all, the realm of law, particularly constitutional law, will play a decisive role in defining the parameters within which the choice of constitutional governance will be navigated and established.

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