

## 1: Introduction:

Pakistan is following the 1973 constitution. There were made too many amendments in the history. Now its 26th amendment in the constitution of Pakistan. This amendment was passed between 20-21<sup>st</sup> of October 2024 midnight in a hustle. Mostly Judicial reforms are made in which primary focus was on judicial reforms including selection of Chief Justice of supreme court, term of CJP, judicial benches, judicial council restructuring, access to clean environment and eradication of Ribba are some main changes Made in this amendment. This is also called as constitutional package.

## 2: Main changes, provisions and the Articles Amended:

Aggregately 27 clauses were amended but judicial reforms are of great concern. Some of

them are given here.

## 2.1 - Judicial Reforms and empowering the parliament:

Article 175-A was amended in this amendment. Multiple clauses of this article was amended.

\* The selection of Chief Justice of Pakistan was connected to parliament and executive via parliamentary committee. This parliamentary committee will be of 12 members. 8 members from national assembly and 4 members from senate will be selected for committee according to proportional representation. This committee will refer one name from top three most senior judges of supreme court to prime-minister and he will advice name to president for CJP.

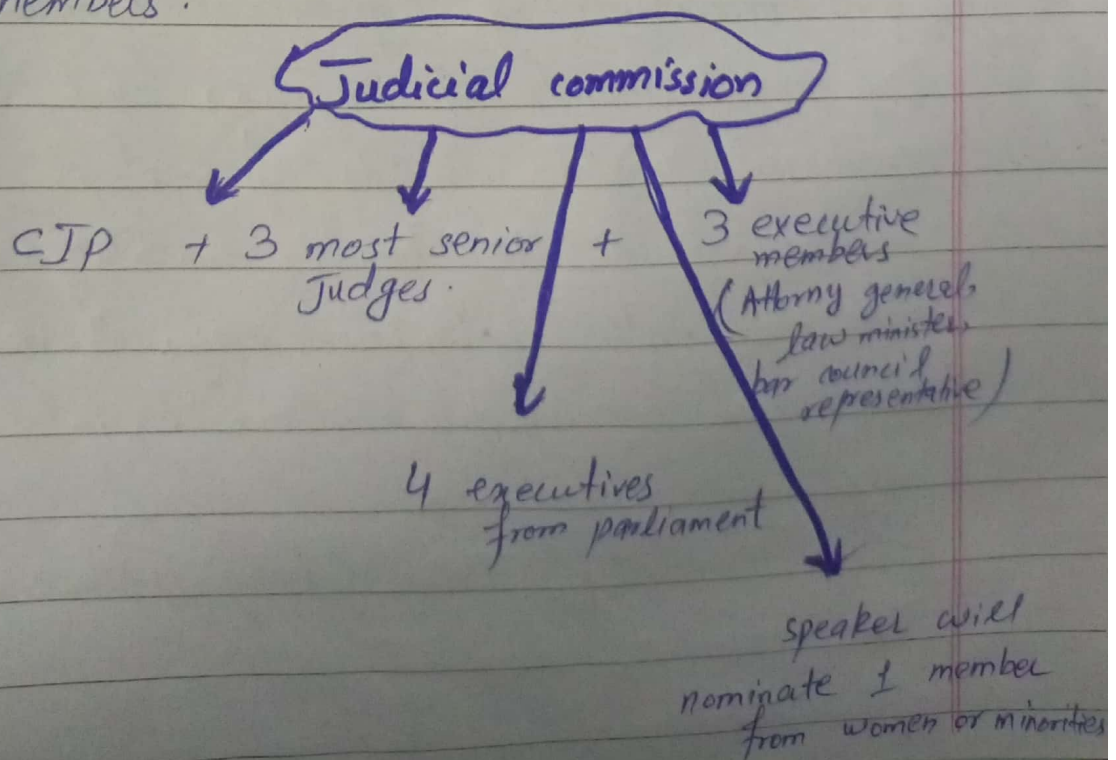
## 2.2 - Sou-Motu action taken away:

Article - 184 A gives write to judiciary of sou-motu action to

handle the political situation in-case administration and executive failed to handle the chaos, such as in sahival killing incident of civilian by armed forces, supreme court took sou-motu action to curb the situation. But now this power is taken away from the judiciary.

### 2.3. Restructuring of Judicial Commission:

Article - 175A amended and the proportion of parliament and politicians is increased in judicial commission. Now it will consist of following members.



## 2.4 Eradication of Ribba till 2028:-

Article - 38 was amended and Ribba will be eradicated from Islamic Republic of Pakistan till the 1st January 2028.

## 2.5:- Access to healthy clean environment:-

Article - 9A was incorporated into Constitution, that every citizen of Pakistan has the right to clean and healthy environment.

## 2.6:- Formation of Judicial Benches:

Due to thousands of pending case Judicial benches will be formed in Supreme court to handle constitutional cases. Article 201, 202 says there will also be judicial benches in High courts.

## 2.7:- Term of the Chief Justice:-

The term of the Chief Justice of Pakistan is fixed to three years.

### 3:- Challenges Posed by 26<sup>th</sup> Amendment:

In my opinion 26<sup>th</sup> amendment brought many challenges to the country and public.

#### 3.1:- Political Instability increased:-

The amendment in suning period of existing CJP till the appointment of new one created chaos and instability among the civil society.

#### 3.2:- Limited the role of Judiciary:

26<sup>th</sup> Amendment limited the role of judiciary. In a layman words, I can say that wings of Judiciary are clipped by amending Article 175-A.

#### 3.3:- Procedural validity provoked chaos among civil society.

26<sup>th</sup> Amendment was made in a hustle because it was approved at night the same day on which tabled before parliament. No drafts were shared with civilians

before civil society which increased the political turbulence.

### 3.4. Increased Role of Parliament.

Amending 175-A Article empowered the executive and parliament by increasing its share in parliamentary committee and Judicial council.

### 3.5. Separation of Power theory was intertwined.

26th Amendment  
mixed the powers of executive and Judiciary. Infact the Judiciary is made dependent on executive which means independence of Judiciary is over-ruled now Judiciary could be used for political gains.

4: Conclusion, 26th Amendment passed by 20-21st october 2024 in Asif Ali Zardari presidency.

Day: \_\_\_\_\_

Date: \_\_\_\_\_

The main focus of this amendment was judicial reforms. Article 175-A, 38, 9A, 201, 202, these were mainly amended. This amendment critically made the political situation worse but some beneficial amendments were also made such as right to clean environment and eradication of Ribba. Hope this amendment will go in great interest of civilian society.