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Q: Salient Features of the 27th Amendment.

### Introduction:

"The changes made to the judicial system in the 27th Amendment are alarming. They will significantly impair the judiciary's ability to hold the executive accountable and protect the fundamental rights of the people of Pakistan."

(ICJ's secretary general,  
Santiago Canton)

The Amendment was enacted on 12th November 2026. Although it initially proposed a whole range of subjects, in the final draft, mainly the judiciary and the structure of the armed forces were reformed. A new court has been introduced and sweeping immunities have also been granted, sparking debate across the country.

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## **Salient Features of the 27th Amendment:**

### **1- Establishment of FCC:**

A new Federal Constitutional Court (FCC) has been created, which is placed at the apex of the judicial hierarchy. All the core functions of the Supreme Court (SC) have been transferred to FCC, reducing the SC to an appellate court.

### **a- Functions of the FCC:**

#### **i- Interpretation of the Constitution:**

All matters involving the interpretation of the constitution are now exclusively within the FCC's jurisdiction.

#### **ii- Decision of Government-to-Government Disputes:**

Deciding inter-provincial and

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Federal - provincial disputes also fall in FCC's domain.

### **iii- Adjudicating Matters of Public Importance:**

Matters of public importance, involving the enforcement of fundamental rights too are within the exclusive jurisdiction of FCC.

### **2- First appointments to FCC by Executive:**

The first batch of judges including the chief justice will be appointed directly by the executive - later by the Judicial Commission of Pakistan (JCP). This explicitly violates separation of powers, which is the foundational principle of democracy.

### **3- Law of Precedent:**

All the decisions of the

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FCC will be binding on all courts - including the Supreme Court. On the contrary, SC's decisions are binding on all courts except FCC. This allows the FCC to ignore established precedents. Moreover, as the first judges are appointed by the executive, new precedents may reflect political preferences.

#### **4-Transfer of Judges of High Court without Consent:**

Article 220 has been altered. Now a High Court judge can be transferred from one High Court to another, on the recommendation of JCP, without the judge's consent. If the judge refuses, he may face removal for misconduct. This is concerning because it can be used as a retaliatory tool by the executive to punish judges.

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## 5-Composition of the Judicial Commission of Pakistan:

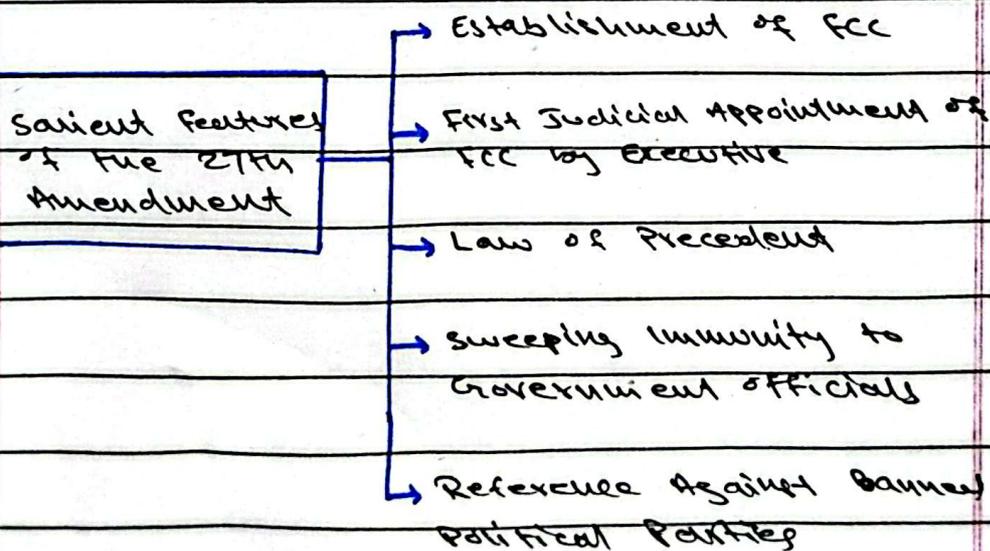
JCP is responsible for appointing judges. Its composition has again been restructured. It now includes CT of SC and next most senior judge of SC; CT of FCC and next most senior judge of FCC; one judge from SC or FCC appointed jointly by the Chief Justice of SC and FCC. The five members from Parliament, two from executive and one representative of the Pakistan Bar Council remain the same. Such dominance of the political members gives significant influence to the government over judicial appointments.

"The judiciary must be independent of any other power; otherwise, there is no liberty, no security, no justice."

(John Adams, 2nd President of US)

## 6- Immunity Against Legal Proceedings:

Lifetime immunity has been granted to the President and the honorary ranks of Field Marshal, Admiral of Fleet, and Marshal of Airforce against any legal proceedings. The rank of Field Marshal is currently held by the Chief of Army Staff. Such sweeping immunities are unconstitutional and go against the core rule of law principles, including equality before law and accountability.



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## 7-Reference Against Banned Political Party:

The federal government can ban a party if it damages the sovereignty and integrity of the country. Prior to the amendment, government was required to send reference to SC for banning a party, now reference will be sent to FCC. Since FCC judges are appointed by the executive, political parties may be banned arbitrarily without sufficient evidence.

## 8-Command of Armed Forces Restructured:

The Joint Chiefs of Staff Committee (JCSC) has been abolished. The chief of Army staff will now also be the chief of Defence Forces (CDF).

## 9-Title of CIP:

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The most senior judge among the chief justices of SC and FCC will now hold the title of the chief justice of Pakistan.

### Conclusion:

The 21st constitutional revision has introduced numerous reforms including the establishment of a new court, restructuring the command framework of the armed forces, and granting immunities to government officials. Such reforms have raised questions about the rule of law in Pakistan, and many judges, including Mansoor Ali Shah, have resigned in protest, calling the amendment "a grave assault on the constitution."