

Date: _____

Day: _____

Political Science. Paper-II

Section-B

QNO18

Introduction:

Constitutional amendments reshape a state's political architecture and define the relationship between key institutions. Pakistan's 26th and 27th constitutional amendments have generated unprecedented debate due to their impact on judicial independence, civil-military relations, and the balance of power. The electoral transparency and temporary governance in the Federally Administered Tribal Area (FATA), a critical assessment reveals their broader project of military supremacy. It embedded and calculated erosion of independent judicial norms. Both amendments were expanded military authority, weakened judicial norms, and tilted governance toward executive dominance.

Background of Constitutional Amendments in Pakistan;

Historically, constitutional amendments have

have been used either to strengthen democracy or to centralize power. The 26th and 27th amendments fall into the latter category reshaping power structure.

Objectives of the 26th Amendment

The 26th Amendment primarily restructured Judicial Commission of Pakistan (JCP) responsible for appointing judges that mention in Pakistan constitution in (Article 175-A). The period preceding 2017 saw an assertive judiciary under Chief Justice Iftikhar Muhammad and later the Supreme Court's disqualification of Prime Minister Nawaz Sharif in the Panama Papers Case. It stated purpose was "judicial accountability" but many critics viewed that it as move to politicize judicial appointments.

Core Features of the 26th Amendment

Erosion of Judicial Norms

The merger diluted the unique jurisdictional framework of FATA. It brought the under ordinary judicial system.

Date: _____

Day: _____

Restriction on Suo Motu Powers

The 26th Amendment introduced procedural conditions on the Supreme Court's power to take suo moto notice and restricted the power under the Article 184(3).

The amendment reduced the judiciary's ability to intervene quickly in human rights, governance failures, and abuses of authority.

Removal of Suo Moto Powers

Article 184

Article 175 A - Appointment of judges

to superior judiciary

The article 175-A in 1973 constitution gave power to the independent judiciary and it was changed in 26th amendment.

Appointment of Chief Justice of Pakistan

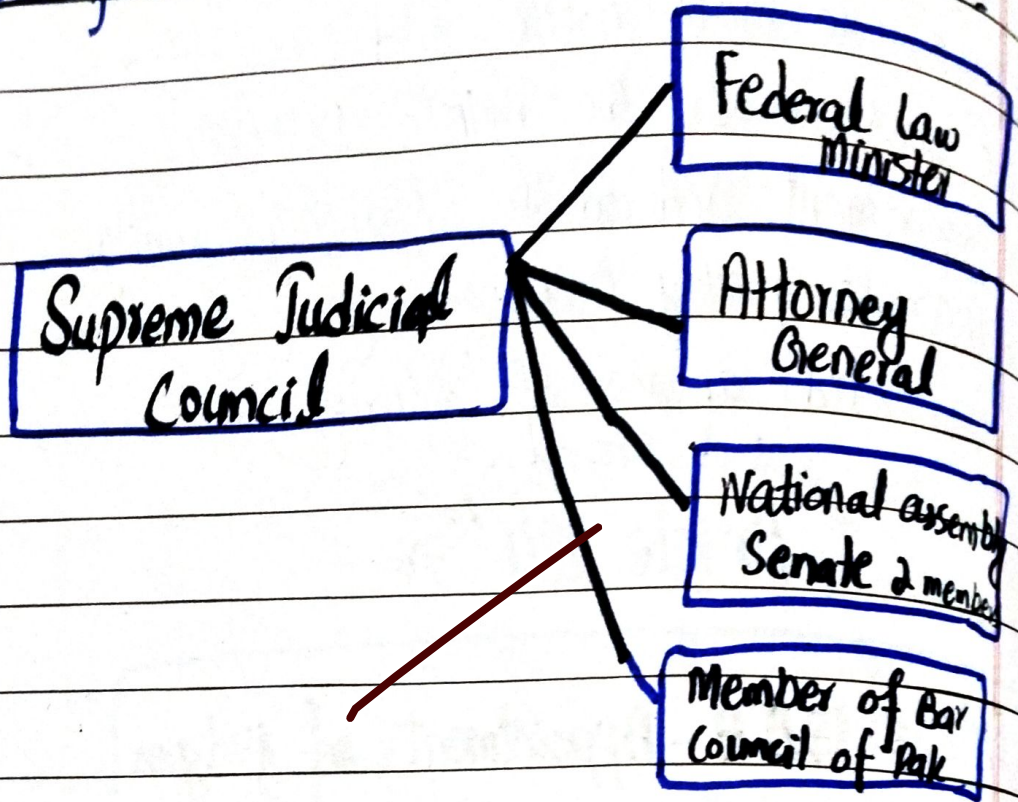
Three senior judges will be selected by the members of the Parliamentary committee and send to the Prime minister and President for approval.

Date: _____

Day: _____

Appointment of the supreme court justice

~~17~~ judges of Pakistan supreme court will be selected from supreme judicial council.



Tenure of Chief Justice Pakistan

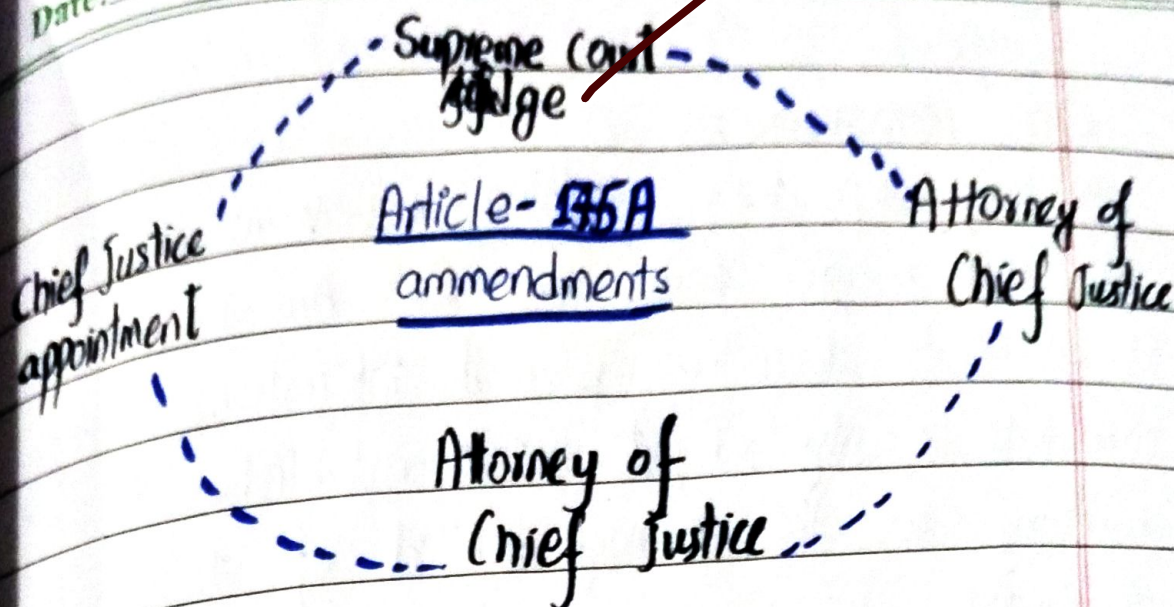
The tenure of Chief Justice ~~pak~~ has moved to 3 years.

Attorney of Chief Justice of Pakistan

Chief justice can remove rule making judges

Date:

Day:



Article 191 A - constitutional benches establishment

The establishment of constitutional benches in High court to keep a check and balance on the High court. The federal court has been made Supreme court. It was rejected by the national assembly saying two supreme court can't survive in a single country when proposal of establishment the federal constitutional court.

Supreme Court
of
Pakistan

Federal
Bench

High Court
of
Pakistan

Constitutional
Bench

Date: _____

Day: _____

Impact of Military Influence

On Governance:

Military imperatives dictated the terms of the FATA merger under the 26th Amendment. It subordinate long-term political integration to immediate security objectives. It establishes the military as the primary architect of strategic governance.

On institutional Autonomy:

The military indirectly constrained the judiciary independence and rendering all state institutions that are vulnerable to its overarching political agenda. The reconstituted Parliamentary Committee in the 27th Amendment.

On Balance of Power:

These amendments formalized a tilted equilibrium. The military which is operating through a compliant executive and parliament. By hollowing out the system of checks and balance, military gained supreme arbitral power without formal constitutional responsibility.

Date: _____

Day: _____

Impacts on the Judiciary

On Governance:

In 27th Amendment, change the Article 175A leading to more cautious adjudication and reducing judicial oversight of governance. The judiciary has impartial check on executive authority.

On Institutional Autonomy:

The amendment directly assaulted the judiciary's autonomy by diluting its primary role in judicial appointments. It make susceptible to external pressure and compromise its fundamental independence.

On Balance of Powers:

The amendment disrupted the tripartite balance and empowering executive branch. It also undermine the judiciary's appointment security and moral authority.

Date: _____

Day: _____

Conclusion

In nutshell, a critical assessment of the 26th and 27th amendment substantiates that they were far more than routine legislative updates. They were strategic interventions that have profoundly reshaped Pakistan's constitutional order. These amendments have degraded governance by normalising military preferences. It catastrophically eroded the autonomy of both judiciary and parliament.