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The Architecture of Decay: Pakistan's 27th Amendment and the Fragility of Sustainable Democracy

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Abstract

This paper examines how Pakistan's 27th Constitutional Amendment, passed in late 2025, as a critical case study in the eroding of the institutional pillars essential for sustainable democracy. While the amendment is framed by the government as a move toward judicial efficiency and national security, this analysis argues that its core provisions—specifically the re-engineering of the judiciary and the formalization of military dominance—destabilize the checks and balances essential for long-term democratic health. The amendment actually concentrates power in the hands of the executive and the military, seriously undermining judicial independence and civilian authority. The amendment changes the Constitution in two major ways. First, it reshapes the judiciary by creating a new Federal Constitutional Court (FCC) while taking away the Supreme Court's authority to interpret the Constitution. This means the Supreme Court is no longer the final guardian of constitutional rights. In addition, the government can now transfer High Court judges without their consent, giving it a way to pressure or punish judges who do not comply, thereby threatening judicial independence which also threatened the rule of law. Second, the amendment strengthens military control by creating a new position, the Chief of Defence Forces (CDF), which is held by the Chief of Army Staff. It also grants lifetime immunity from criminal prosecution to senior military leaders and the President. Together, these measures shield powerful figures from

accountability and shift authority away from civilian institutions. This shift of authority away from civilian institutions challenges the principle of accountability, which is the bedrock of any sustainable democratic system. Ultimately, the 27th Amendment represents a fundamental shift in the state's power structure. By legitimizing military dominance and weakening judicial guardrails, it risks replacing a participatory democratic trajectory with a centralized, authoritarian model that lacks the institutional resilience required for democratic sustainability.

Key Words: Pakistan, Democracy, Constitution, Executive, Judiciary

Introduction

Pakistan's political system is defined as a federal parliamentary democratic republic under the 1973 constitution. Theoretically, Pakistan claims to be democratic state, where power belongs to the people and people elect their representatives through elections to govern them. But we need to ask ourselves what kind of democracy Pakistan really is. To what extent is Pakistan following democratic principles? The government has failed miserably to instill checks on thoughts & actions within its political system. Pakistan have not even been able to correctly implement something as vital as checks and balances. Pakistan do have a trichotomy set up and at this level there should be some sort of balance with each other and checks and balances within the system. The parliamentary democracy and parliamentary supremacy, both are the foundation of this system. There isn't any separation of power between executive and legislative branch of the government and because of this very reason democracy in Pakistan has failed many times at the hands of different power centers. Most of the times our executive outweighs every other power center and the third branch called judiciary also seems to hinder democracy in many ways. So, Pakistan have failed to attain the institutional balance on many spectrums like civil military paradigm and trichotomy. A state can't have democracy without a sound system of check and balance & accountability.

Constitutional amendments are an important device that alter the political and legal landscape of a state. Constitutional amendments in Pakistan have mostly reflected shifts in power dynamics instead of collaborative democratic evolution between power entities. Pakistan's 27th Amendment bill is no exception. It marks a shifted paradigm as it changes the structure of judiciary, redefines military leadership and empowers executive in ways unimaginable. Ever since the 27th Amendment was passed in the Parliament, it has been the center of heated discussions between politicians, lawmakers and civilians. This paper aims to analyze the legal and constitutional impact of 27th Amendment.

This qualitative research examines the impacts of 27th amendments on democracy in Pakistan using historical, descriptive, and analytical approaches. It traces key events such as the addition of article 58-2B under 8th amendment, establishment of military courts in 21st amendment and 26th amendment, highlighting their impact on governance and political dynamics. The study critically evaluates barriers to democracy, the role of different institutions, and the influence of regional

actors. Data is sourced from secondary materials, including books, journals, research papers, policy briefs, reports, and credible news articles, ensuring a balanced analysis.

Literature Review

The literature review discusses the previous studies on judicial independence, constitutional amendment, political interference relevant to Pakistan context and helpful comparisons. In his article “Enemies of the People’: Populism’s Threat to Independent Judiciaries,” Müller (2022) states that Constitutionalism has been a concept traditionally understood as a normative approach whereby governmental power emanates from, but is also limited by a constitution that is the supreme source of law in a given state. Constitutionalism therefore champions ideas of the rule of law, checks and balances, separation of powers, and other features deemed important to ensuring the protection of basic rights. Central to constitutionalism is a reliance on legal solutions to limit power and prevent arbitrary decisions that would undermine pluralism. Constitutionalism itself is not fixed however and can shift based on political demands, ideological realignments, and institutional rearrangement (Müller, 2022).

Legal change should be included as part of political change. However, changes to constitutions do not hold the same weight normatively. According to Humble (2022) in his article “Populism and Threat to International Law,” some amendments fall into what can be considered “abusive constitutionalism” or “autocratic legalism”. Abusive constitutionalism/legalism can be thought of as when elected officials essentially use legal tools to dismantle democracy from within. Formal legality remains but constitutionalism is hollowed out from its commitment to limited government (Humble, 2022).

Judicial independence can be looked at from Shetreet (2013) article “Judges on Trial: The independence and Accountability of the Judiciary,” where they mention how the judiciary must be isolated from political pressures as that is one of the key institutional guarantees; otherwise, there would be no trust in rule of law by the public. Showcasing their argument for separation of powers, a problem that Pakistan faces is separation of power because of constitutional crisis and political unpredictability. Pakistan has faced issues even though their judiciary fought for independence against all sorts of resistance (Shetreet, 2013).

In “Constitutional and Political History of Pakistan”, Hamid Khan (2017) addresses Judiciary becoming more influential over the years and how political and military interference had biased its rulings. This book offers insight into the bigger picture behind how Constitutional Amendments should be perceived (Khan H. , 2017).

Amendments in the constitution can have adverse effects as well as good ones. Sometimes amendments introduce unnecessary conflicts between different institutions of governance. Constitutional law professor Elster (2000) in his work “Ulysses Unbound: Studies in Rationality, Precommitment, and Constraints” study the constitution-making process and stated that constitutions need to involve every stakeholder in order to create agreement and consensus

between various political factions. This is especially true for democratizing states whose foundation may not be as strong as older democratic states. Framing this study into context with Pakistan it can be said that constitutional amendments in Pakistan further short-term political goals instead of structurally reinforcing democratic institutions. One example would be how 26th and 27th amendment was passed without consulting the stakeholders (Elster, 2000).

Shahid (2025) writing in his article titled “27th Amendment: End of an Era” goes on to say that; With the 27th amendment in place, checks and balances and basic structure guaranteed by the 1973 Constitution of Pakistan — which had envisioned independent judiciary and military that were subordinate to civilians — have now been laid to rest. Ironically, it was not the military but rather an independent Judiciary that has now been amended out of existence into a submissive wing of the executive (Shahid, 2025).

Muhammad (2024) studies the controversy generated by the legal and political situation regarding the amendment adopted to improve governance. The paper discusses the previous judicial reforms, historical development conducted in Pakistan, aims, clauses of the 26th Amendment, and actions that preceded Judiciary protest. The author discovered that the newly adopted amendment wanted to improve governance but faced substantial protest because it compromised judicial independence through political intrusion. Pakistan's judicial arm faced issues with interference from all branches of governance due to structural and procedural gaps within the system. Based on comparative study with identical legal systems, independence should not be compromised when reforming the judicial system. Muhammad's (2024) research findings contribute new knowledge about the Law Tradeoff versus Judicial Independence and can be used to help continue progressing openness, consultation with stakeholders, and sound institutions. If these predicaments can be overcome, Pakistan can then prevent the Judiciary from facing similar crises and ensure justice is served (Muhammad, 2024).

Iqbal (2025) critiques the 27th Amendment with focus on how it impacts judicial independence, militarization of power and democratic accountability. The article points out that despite claiming to increase efficiency and government effectiveness, the amendment poses constitutional concerns involving separation of powers, rule of law, and checks and balances among the governmental branches. The article analyzed how 27th Amendment tends to concentrate executive power and military jurisdiction with concerns to eroding judicial independence and legislature oversight thus threatening the democratic ideal of the constitution (Iqbal, 2025).

The existing literature on Pakistan has raised questions about independence of the judiciary, constitutional amendments, and political interventions, however these are studied separately from each other. There exists no holistic theory-based study that critiques Pakistan's 27th Constitutional Amendment under perspective of Separation of Powers. Further, minimal research has been conducted on how this amendment simultaneously changed the structure of Judiciary, increased powers of the Executive and constitutionalized military rule. Thereby little effort has been given to understanding the repercussions these amendments could have had on promoting long term

democratic stability. This study attempts to bridge this gap by approaching these amendments through institutional analysis while employing theory of Separation of Power.

Theoretical Framework

This study is grounded in the theory of separation of powers, as articulated by Montesquieu in his book “Spirit of the Law” in 1748, which emphasizes the division of state authority among the three branches of the government called legislature, executive, and judiciary to prevent the concentration of power. The theory further underscores the importance of checks and balances and judicial independence as essential safeguards for democratic governance. This research applies this framework to analyze the 27th Constitutional Amendment of Pakistan, arguing that the amendment disrupts the institutional balance by weakening judicial autonomy, expanding executive authority, and constitutionally embedding military dominance. As these institutional distortions undermine the system of checks and balances, they contribute to democratic fragility and increase the likelihood of authoritarian consolidation (Montesquieu, 1748).

Research Questions

- i. What major changes were made under the 27th Amendment in 1973 constitution of the Pakistan?
- ii. How has the 27th Constitutional Amendment affected the separation of powers in Pakistan?

Historical Background

Since independence Pakistan faced constitutional crisis. Initially we adopted Indian Act of 1935 as an interim constitution which worked for almost nine years. In 1956 Pakistan got its first constitution which was federal-parliamentary in nature. The Westminster style of parliament with equal representation from each Wing was envisioned in the 1956 Constitution. It did not function smoothly; there were several changes in government, without elections or no-confidence votes being involved. The 1956 constitution only lasted for two years. It was abrogated in 1958 by General Ayub Khan. Ayub Khan enforced a presidential styled 2nd constitution of Pakistan in 1962. This constitution was highly centralized than previous one, with almost all the power vested with President of Pakistan. On 25 March 1969, General Yahya Khan abrogated the 1962 Constitution while he was the C.-in-C. of the Pakistan Army, declared Martial Law and took over as CMLA (Chief Martial Law Administrator). Thus, ended both the 1956 and 1962 constitutions by Martial Law. The 1973 Constitution went into effect on 14 August 1973 and has since become Zulfikar Ali Bhutto's most lasting legacy. Many of its provisions were also found in either the 1956 or 1962 Constitutions, though many innovations were introduced covering the federal structure, Islamic provisions, The Executive, and Martial Law and the Armed Forces (Khan H. , 2017).

Pakistan's constitution of 1973 is the supreme law in Pakistan and has been amended several times till now. The first seven amendments made by Bhutto himself. With regards to 8th constitutional amendment, it was presented on 2 March 1985 where separation of power between executive,

legislature and judiciary was maintained. While checks and balances were provided by proposing a balance between the Prime Minister and President. On the other hand, federal units would retain their independence as provided in the Constitution of Pakistan of 1973, while the provinces power has been increased by involving them in the election of the President and constitutional amendments. Pakistan's parliamentary Government was converted into semi-Presidential form of Government. Article 58-2(b) was included in the constitution which is considered to have had the single most impact on constitutional development during parliamentary era of Pakistan. Article gave president of Pakistan authority to dismiss democratically elected governments if he felt their achievements did not meet his expectation which was completely subjective. President never possessed this kind of power before. Comparatively some supporter of this article claims it to be a 'safety valve' as opposed to years of over powering obvious martial law in the country under 8th and 17th Amendment. Article 58-2(b) was introduced in the constitution in 1985 and stayed incorporated until 1997 and causing political instability. This article was reverse by the civilian governments under 13th and 18th amendment and restore the parliamentary system in true sense (Kalsoom Hanif, 2021).

Six gunmen stormed the Army Public School, Peshawar on December 16, 2014. Following the attack, there was an addition amendment to The Constitution of Pakistan called the 21st Amendment to the Constitution of Pakistan, which was brought to establishment upon military courts in Pakistan allowing speedy trial of terrorists and handing out punishments they deserve. The amendment permits the formation of military courts for two years from the date of its passage which shall expire on January 7, 2017. In order to extend the lifespan of military courts past January 7th, 2017, the 23rd Amendment was created to lengthen the life of military courts for 2 years till January 6, 2019. After the passing of the 23rd Amendment, sparked much controversy. Supporters believe military courts are a great way to quickly and effectively neutralize threats of terrorism. Opponents are afraid of human rights violations and growing resentment towards dismantling Pakistan's civilian justice system. The parallel court system weakens the sovereignty of Pakistan's civilian court system. There could be consequences if the courts are not ruled by the law of Pakistan which would not give Pakistan an effective nor efficient judicial system. The amendment could weaken Pakistan's democracy because it blocks the system of checks and balances between the three branches of Pakistan. If this were to happen, it would give too much power to the military courts over the civilian tribunals (Khan D. M., 2024).

The highly debated 26th constitutional amendment which repealed the process of appointment of judges of the Higher Judiciary and barred their powers negatively affected democracy and rule of law in Pakistan. Justice could only be served in a nation where its judiciary is working independently and promptly without any interference from any institution of the state. The Higher Judiciary being the guardian of the constitution had its power overshadowed by executive branch of the government by restricting its role, direct intervention and indirectly controlling it through appointment system. Passing of 26th constitutional amendment has sparked a major debate on the topic of judicial independence in Pakistan. This was passed in haste without informing the public

and no duration was given to allow consultation with judicial scholars. This amendment has changed the very system of judiciary especially relating to the appointment of judges, their powers and accountability. Critics argue that it institutionalizes political control over higher judiciary and overlooks decades of struggle for an independent judiciary in Pakistan. The amendment has stripped judiciary off its ability to independently operate and carry out its responsibilities in an efficient manner to act as a check on tyranny exercised by other State apparatus and for upholding human rights (Attaullah, 2025). Passed only year ago in October 2024, the 26th amendment completely changes the landscape of judiciary and weakens the judicial role in many aspects. This paper is particularly concerned about the changes introduced by the 27th amendment.

Major Clauses of 27th Amendment

The 27th Constitutional Amendment passed by parliament on November 2025 was another historic amendment of 1973 Constitution of Islamic Republic of Pakistan. The bill was presented in Senate of Pakistan. It was passed with two-thirds majority through voting with 64 votes in favour while no votes were against the bill. Whereas the bill got 231 votes in national assembly. The bill got passed with accede of President of Pakistan Asif Ali Zardari on 13 November 2025 despite massive protest from opposition parties by obtained supermajority of 2/3rd votes in both houses respectively. With the amendment, certain clauses in the constitution were altered especially with regards to President and Defence Officers making their positions immune for life. This amendment has been received with criticism from public on certain grounds including establishment of Federal Constitutional Courts and ability to move judges from one court to another (Tariq, 2005). Few important clauses with respect to the topic under discussion will be highlighted below. Some major clauses of the amendment will be discussed below which concern with this research.

i. Establishment of a Federal Constitutional Court (FCC)

In terms of overall structure, the most significant change of the 27th amendment has been the creation of a new Federal Constitutional Court (FCC) which has been given the mandate to exercise many of the powers previously exercise by the Supreme Court of Pakistan. The FCC shall have exclusive jurisdiction to adjudicate any dispute between any of the Governments in Pakistan (provincial and federal) and also federal public interest petitions involving enforcement of "fundamental rights". The FCC shall also have jurisdiction to call for the record of any case pending before any court in Pakistan which may involve a substantial question of law as to the interpretation of the Constitution of Pakistan and pronounce orders in the said case. The FCC shall also hear appeals arising out of any Act of parliament as well appeals from High Courts that involve a substantial question of law regarding interpretation of the Constitution of Pakistan.

All cases pending previously before any court that fall within the jurisdiction of the FCC have been transferred to the FCC. Further all judgments delivered by the FCC as far as they decide a question of law shall be binding on all courts including the Supreme Court itself. Prior to this amendment the power exercised by FCC would have been exercised by the Supreme Court of

Pakistan. After the amendment, the Supreme Court effectively becomes an appellate court only, except for cases involving interpretation of the Constitution of Pakistan (Rehmat Arif, 2026).

ii. Appointment of the Chief Justice of the FCC and the first batch of judges to the FCC

The 27th amendment states that the President shall appoint the Chief Justice of the FCC from amongst serving judges of the Supreme Court on the advice of the Prime Minister. While the amendment leaves open the exact number of judges to serve on the FCC to be fixed at a later date by parliament, it states that the first "batch" of judges to the FCC shall be appointed by the President on the advice of the Prime Minister in consultation with the CJ of the FCC. The President shall fix the number of judges serving on the FCC.

Once the first CJ of the FCC has been appointed and the first "batch" of judges is appointed to the FCC, appointments of judges to the FCC shall be made after recommendation by the Judicial Commission of Pakistan while the appointment of the Chief Justice of the FCC shall be made by a Special Parliamentary Committee. The amendment lays out no criteria to be used when making these appointments and gives no reason to be stated for making these appointments beyond the general qualifications to be a judge of the FCC (Yaseen, 2005).

iii. Appointment of the Chief Justice of the Supreme Court and the Federal Constitutional Court

Before the 26th amendment the senior most judge of the Supreme Court was appointed as the CJ of Pakistan. Neither the Executive nor the Parliament rightly had any role in this appointment. The 26th Constitutional amendment changed the Constitution and vested this power with a political body, i.e. a "Special Parliamentary Committee" (SPC) which consisted of eight National Assembly and four Senate members. SPC was given the power to nominate the CJ of Pakistan from among the top three senior most judges of the Supreme Court. The 27th amendment prescribes the same procedure for appointment of CJ of FCC after retirement of the first CJ of FCC. It gives no criteria on what basis SPC will nominate the CJ of SC or CJ of FCC and provides for in-camera meetings of the SPC (Rehmat Arif, 2026).

iv. The composition of the Judicial Commission of Pakistan

The Judicial Commission of Pakistan (JCP) recommends appointments of judges to the Supreme Court and High Courts as well as the FCC. Prior to the 26th Constitutional amendment the JCP consisted primarily of judges. The 26th amendment altered the JCP to include two members of the National Assembly, two members of the Senate and one woman or non-Muslim member, who shall be nominated by the Speaker of the National Assembly. Some previous members including the Law Minister, Attorney General of Pakistan and representative of the Bar Association of Pakistan remain on the JCP.

The 27th amendment makes further changes to the judicial members of the JCP. They are now consisting of: CJ of the FCC, CJ of the SC, the next most senior judges of the FCC and the SC respectively, and one judge of the SC or FCC nominated jointly by the CJ of the FCC and CJ of the SC. Other members of the JCP remain unchanged. Questions remain regarding composition of the JCP, particularly while at least two out of five judicial members – CJ of the FCC and a judge of the FCC – would initially be appointed by the executive.

Additionally, the composition of the JCP allows the Commission to be influenced by direct political interest, given that the judicial members of the JCP would be the minority. Appointments of judges to the Supreme Court and the FCC requires only five of thirteen JCP's members to be judges (Chief Justice of FCC, most senior judge of the FCC, CJ of SC, senior most judge of SC and a judge of SC or FCC jointly nominated by CJ of FCC & CJ of SC) (Canton, 2025).

v. Transfer of judges of High Courts

The 27th amendment alters the Article 200 of the 1973 Constitution of Pakistan, which deals with transfer of judges of the High Courts. Now the Judicial Commission of Pakistan (JCP), (the Commission which makes appointments in the judiciary) given the power to recommend transfer of a judge from one High Court to another High Court and also decide the terms and conditions as may be specified in the order for such transfer. If judges refuse to accept such transfer within thirty days, they shall be liable to be subjected to disciplinary proceedings under Article 209 by the Supreme Judicial Council (SJC), a judicial forum that looks into misconduct of judges. Pending the decision of the SJC whether refusal of such judge to accept such order of transfer constitutes misconduct or not, such judge shall be suspended from the exercise of judicial functions.

Previously the President of Pakistan had the authority to transfer judges from one High Court bench to another after consultation with the Chief Justice of Pakistan and the chief justices of the High Courts from where the judges were being transferred. For the transfer of the High Court's judges their consent is necessary but 27th amendment removed the requirement of consent of a judge (Raja, 2024).

vi. Immunities

The 27th Amendment replaces Article 248 of the Constitution of Pakistan to give the President of Pakistan immunity from criminal proceedings and arrest for life, and immunity from civil proceedings. The amendment specifies that this immunity shall also be apply for such period as the President ceases to hold office as President. Previously the president was granted immunity only during his tenure.

The amendments also amend Article 243 of the Constitution to give lifetime immunity from criminal proceedings and arrest and immunity from civil proceedings to holders of the "honorary" ranks of Field Marshal, Admiral of the Fleet and Marshal of the Air Force. The Chief of the Armed Forces currently also holds the honorary rank of Field Marshal (Riaz, 2025).

vii. Amendments to defense leadership

One of the changes that are obvious is the chain of command. The 27th Amendment bill looks to amend Article 243 within the constitution. It currently allows the president and federal government superiority over military forces. In order to establish stronger leadership throughout all military branches the Chief of Army Staff would become Chief of Defence Forces after this amendment (Rehmat Arif, 2026).

Implications of the 27th Amendment on Democracy in Pakistan

In the current analysis, the main question is how the Constitution (Twenty-Seventh Amendment) Act of 2025 is promulgating the substantive threat to the democratic structure in Pakistan. Emphasis is given to the way in which the independence of the judiciary is being undermined systematically, the application of administrative tools which are being used to pressure, and the constitutionalizing of impunity to the executive and military elite, which is the essence of the rule of law and the separation of powers.

- The creation of a Federal Constitutional Court is probably the most significant move in terms of institutional engineering. By granting the FCC exclusive jurisdiction over matters concerning constitutional interpretation and the fundamental rights, the 27th Amendment will effectively strip the Supreme Court of its ultimate authority in the realm of constitutional matters. Once this power is transferred to the FCC, the Supreme Court's newly adjusted role as an appellate judge for non-constitutional cases severely diminishes its standing as guardian of 1973 constitution. Moreover, the new constitutional court's task of interpreting the Constitution elevates its position of power, and its structure and loyalty then takes the supreme significance in the future of democratic government (Shah, 2025).
- The amendment also fails to provide any benchmark upon which the appointments shall be made and does not mandate reasons to be provided for said appointments, other than the basic qualifications required to qualify as a judge of the FCC. Further cause for concern regarding these appointments is that the CJ of the FCC and senior most judge of the FCC shall concurrently be members of the Judicial Commission of Pakistan – the organ vested with judicial appointments – and Supreme Judicial Council – the organ vested with judicial accountability, contrary to the doctrine of judicial independence (Canton, 2025).
- Article 200 does not provide grounds upon which decision will be made about when judges should be transferred. Nor is there a requirement to create a mechanism with objective criteria and goals to steer decisions about recommendations for transfer. Due to the arbitrary nature of this system, it is impossible to know whether transfers could be used as a form of punishment or retaliation instead of being used for reasons of better serving justice and the public interest. Judges who refuse transfer face potential removal which is also of concern. International standards on judicial independence state that judges can only be removed for "serious grounds of misconduct or incompetence" (Naqvi, 2024).

- Blanket and absolute immunities are against basic rule of law values such as accountability, access to justice and equality before the law. No public official should ever be completely beyond accountability because that would mean they can lawlessly or arbitrarily wield their power. Fundamentally, it breaches the basic democratic ideal that no man is above the law (Article 4 of the Constitution of Pakistan). The Amendment betrays the trust of the people by creating a constitutionally entrenched class of current and past politicians, it therefore creates the precedent towards a government where elected officials of the state cannot be held accountable for their actions and decisions (Iqbal, 2025).
- Democracy is further undermined through this amendment by providing similar lifelong immunity, status and privileges for the holders of five-star rank of the military (for example: Field Marshal). Now our country will have some high-ranking non-elected officials who cannot be questioned by law in their entire lifetime. Providing lifelong immunity to the leaders of the military institution makes it an entrenched institution of impunity. This immunizes the military as an institution from every course of criminal accountability and judicial review of its apex leadership activity, killing any system of civil control thus centralizes executive-military model of command which is antithesis to democracy (Rehmat Arif, 2026).

Recommendations to Strengthen Democracy:

i. Providing Maximum Time Period for Passing Amendment

27th amendment was passed with a hasty procedure. It was passed within one week from introduction to its final approval. This much time is not enough for a critical and constructive debate, either by parliament or by civil society, on the amendment bill. Parliamentary rules need to be amended to allow for a minimum duration for any constitutional amendment. This time would allow legal experts and civil society to provide input on the proposed bill and avoid hasty legislation.

ii. Reversing Immunity Protocols

Lifetime time immunity granted to the President and Chief of Defense force needs to be reversed. Immunity should be functional rather than personalized. This would ensure rule of law and Equality before law under Article 25 of the constitution which are core requirements for a functional democracy.

iii. Integrating Basic Structure Doctrine

Article 238 and 239 of the Constitution of Pakistan provide unlimited powers to the Parliament without fear of judicial review. This is quite contrary to what India has adopted. Indian constitution unofficially adopts Basic Structure Doctrine under which Indian Parliament can amend the constitution but cannot alter its basic structure like fundamental rights, supremacy of judiciary, rule of law, separation of power and federalism. This acts as limitation on the amendment powers

of the parliament which cannot change the constitution to its whims. Pakistan should also integrate into its legal system to protect its constitution from the dictatorship of the majoritarian rule. Integrating this doctrine after 27th amendment has become more necessary because this amendment not has compromised the independence of higher judiciary by giving more powers to the legislature and executive vis a vis judiciary. It has also tilted the balance of separation of power.

iv. Reforming Judicial Commission of Pakistan

Currently, Judicial Commission of Pakistan- institution tasked with appointing judges to higher judiciary- is dominated by legislature and executive. Judicial Commission of Pakistan needs to be reformed in such a way as to give judiciary and legal experts the majority in appointing judges. This would reduce the influence of legislature and executive on the judiciary and would ensure that the most competent and deserving are appointed to the high office.

v. Ombudsman for Judicial Transfers

Amended article 200 of the constitution allows for the transfer of the High Court judges without their consent. Critics has called this move as an attempt to sideline independent mind judges. This article needs to be revised and consent clause must be added to constitution. If this cannot be done, office of Ombudsman for Judicial Affairs ought to be established to investigate cases of retaliatory transfer of judges from one province to another. This would act as bar on the power of power being misused for political engineering.

Conclusion

This research paper thoroughly analyzed the constitutional 27th amendment and came up with findings that confirm that the amendment is a clear-cut regression in constitutional terms. This Amendments have weakened the democratic practice in Pakistan. These changes are legislative in nature which are not procedural reforms aiming to diminish executive and institutional powers at the expense of unchecked and unbalancing constitutional mechanisms. Judiciary has also been subservient to systematic influences in the democratic sphere. The establishment of Federal Constitutional Court (FCC) along with an executive-dominated system of appointments is slowly undermining decades long history of Supreme Court as the guardian of Constitution. Furthermore, Constitutionalizing lifetime immunity of President and high-ranking military officials via Article 248 clearly defies Rule of Law and principle of accountability which amounts to systematic immunity infrastructure which is against the basic premise of democracy. It can be concluded from this research paper that 27th amendment disregards various aspects concerning public interest and undermines the Rule of Law, weakens the Independence of judiciary and systemizes power abuse. If Pakistan wishes to see constitutional democracy thrive, reforms made to the constitution in the future must be done through the will of people, Responsibility and upholding the independence of institutions rather than hastened centralization of power.

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