



RESEARCH PAPER

A Constitutional Analysis of Pakistan's 26th and 27th Amendments: Implications for Governance and Representation

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ABSTRACT

This study investigate the 27th and 26th revisions to Pakistan's constitution along with their possible impact on the governing structure. It looks into how these shifts have altered power dynamics, changed organizational structures, and affected political representation. Implement a qualitative doctrinal methodology, the study exploit constitutional text, parliamentary debates and academic literature. The analysis disclose that modifications introduce major structural and legal implementations with the ability to affects federal and provisional relations, institutional balance and overall structure of governance. These reforms help to address important constitutional and administrative challenges, their impact depends on implementation and sustained political commitment. The findings suggest that the constitutional amendments introduce the legal and structural changes that have ability to control governance outcomes in multiple ways. Moreover, the study also highlight the effectiveness of amendments are not determined by provisions. Their impact depends on the implementation and democratic norms. The study accord the existing literature by offering a focused perspective about these amendments and highlight the relevance for debates on reform in Pakistan.

KEYWORDS Constitutional Amendments, Governance, Representation, Institutional Reforms, Federation, Pakistan

Introduction

Any democratic state the political, administrative and representative structures are largely shaped by constitutional amendments. In Pakistan the 1973 constitution has gone through many changes over the year, each introduced to address new challenges and adjust the relationship between the federation, provinces and state institutions. These amendments also show how country's political needs and governance issues evolved with time. Because they directly impact the exercise of power and the representation of individuals in the political system, several adjustments have pulled specific attention in recent years (Muzaffar& Choudhary, 2017).

A significant change to Pakistan's constitution was made in 1973 with the 26th Amendment. It has been fundamentally altered Pakistan's legal system. The Supreme Court's and higher courts' authority has been significantly altered by the amendment. As balance between the different executive gains more authority to influence judiciary, amendment is also in charge of shifting branches of government. On the other hand 27th Amendment encouraged a wider debate on reforms aimed at strengthening the credibility and functioning of electoral bodies. The changes in the constitution is most important because they directly impact on the citizens that are represented in political body, how autonomy is divided in the country institution and how government organizations response to the political and administrative problems. A brief study needs to understand how

constitutional amendments work on the democratic stability, federal balance and organizational execution.

Constitutional amendments carry lasting upshot for Pakistan's system of government and political mechanism. The changes of provincial framework onto the federal regions, with the major changes in the electoral disposition, goes beyond the theoretical constitutional modifications and directly influence the people representation, organizational management and public trust in parliamentary system. Examine these amendments from a constitutional point of view helps to determine these reforms that contribute to create a strong democratic governing body and create a new challenges within the political structure. This estimation is a joy for policy makers, conceptual and informed citizens who wants to better understand the Pakistan's constitutional amendments and the reasons that shaped the political environment.

Literature Review

Muhammad and Ali, (2025) examines that on October 21, 2024 the 26th constitutional Amendment to the Pakistani Constitution, was impulsively introduced by the legislature. It examines how judiciary's system of Pakistan can be damaged. These amendments support that how to deal with the legal system and socio-political challenges. Whatever, it has called into question the constitution's foundational principle of the balance of power. This study examines that how badly they affect the Pakistan's legal independence and the governmental structure at its end. The study's results show how the modifications act on the official answerable, power, and impartiality.

By exploring the parliamentary participation and improving the representation in government matters, to enhance the state's parliamentary structure the Pakistan's 26th constitutional amendment to the Constitution is a major role in democratic structure. How the restrictions amplify the awareness of lawful norms, especially the federal imbalance and right to political incorporation are studied. The major aim was to advance the lawful modification and political significance within the larger foundation of Pakistan's democratic consolidation. The study examines that the amendments enhance the representation of state by analyzing the judicial laws, democratic structure and bill of rights of district by using a moral legitimate research approach. The finding suggest that the 26th Amendment is a significant step in the direction of greater institutional inclusivity and political proprietorship, warranting that legislative bodies more fairly represent the nation's diverse population. Additionally, it shows the state's dedication to using legal laws means to fortify the parliamentary democracy. The study comes to the ends that the 26th implication is a best constitutional development that improve the legislative licit, preserves democratic rules, and stimulate state's cohesion through equal representation (Faisal & Gul, 2025)

Article 9A, which inscription the right to a clean and healthy atmosphere, is append to Pakistan's Constitution by the 26th Amendment. This case note considers the importance, inference, and binding to international environmental standards and lawful rules of Article 9A. This note entrance the legal foundation and the ability for judicial change to apply environmental rights in Pakistan in accordance with UN symposium and major rulings. In disposition to strengthen its international climate change obligations under the Paris Agreement and to position itself as a leader of climate justice, Pakistan can adapt Article 9A on a global scale. By promoting greater numbers of international environmental climate funding and reasonably priced green technologies, the nation can nourish its coping arrangements for climate change (Haider, 2025)

In Pakistan's political and constitutional history, the 27th amendment marks a significant milestone. Due to the establishment of the Federal Constitutional Courts, the transfer of judges, and the position of Chief of Defense Forces, it has been criticized by a number of social groups. However, a thorough examination of the amendment would enable

the public to conclude that there is nothing wrong with it. Analyzing the 27th Constitutional Amendment in relation to Pakistan's federation is the study's research goal. A two-thirds majority is needed to pass an amendment in a federation like Pakistan, as it has done. The primary conclusions of the study attest to the fact that the amendment will have a significant impact on Pakistani politics in the future because its primary goal is to decide constitutional disputes between the federation's provinces or between the federation's provinces (Tariq, et al, 2025)

Countries 27th Constitutional Amendment, which radically made the legal law system, army adjure structures, and executive autonomy, is vital to the nation's constitutional development system. The impact of the modification on legal independence, military centralization, and parliamentary responsibility is access critically in this research paper. It claim that the amendment raises constitutional questions regarding the separation of powers, the rule of law, and institutional balances and checks even though it is deliberate to more efficiency.

The study reaches the end that the amendment compromises judicial independence and democracy error by combining executive and military power, undermining parliamentary ideals. In accordance to examine the effects of the 27th Amendment and investigate its implications, it uses a qualitative doctrinal research approach method, examining primary legal sources such as the Pakistani Constitution and significant case law, augmented by secondary scholarly articles and expert commentary (Iqbal & Sanjrani, 2025).

The 26th Amendment to the Pakistani Constitution, which was ratified on October 20, 2024, is examined critically in this study. It adds new fundamental rights and changes the structure of the judiciary. The Chief Justice of Pakistan will serve a three-year term, the Supreme Court and High Courts will have constitutional benches, and a judicial commission will be established to appoint judges. Article 38(f) also amends the amendment to require the removal of interest from the economy by 2028 and adds Article 9A, which recognizes the right to a healthy environment.

The study evaluates whether these changes strengthen democratic accountability or compromise constitutional protections, highlighting important conflicts between possible executive power and a larger role for parliament. The amendments also guaranteed that the economic and environmental rights and their actual implementation face significant challenges (Iqbal & Zarkoon, 2025)

Public discussion on the parliamentary democracy was help out in Pakistan's 27th Constitutional amendment, governance represents a turning point in the country's political development (Batoool, et. al., 2023; Malik, et. al., 2023). Twitter (X) was an important forum for political debate throughout the different stages of the amendment was study in this research. The study investigates that the stories, making techniques, and emotional tones related to reform through qualitative analysis of tweets.

The opposition's counter-narrative, which represent the amendment as a threat to constitutional balance, and government actors' reformist viewpoint, which encourage democratic consolidation are the two narratives that are showed in study. The study highlights Twitter's role in influencing public opinions of constitutional reform in transitional democracies by demonstrating how it serves as a platform for both political contestation and information dissemination (Akram, et al, 2025).

Conceptual Framework

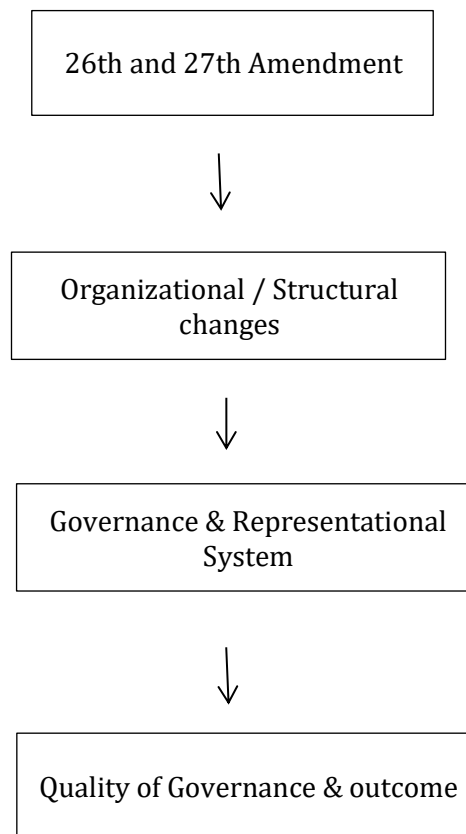


Figure 1 Conceptual Framework

Material and Methods

The study is descriptive and analytical in nature, the qualitative methodology is used to explore Pakistan's 26th and 27th amendments and their adjustments on government. Their impact on government structure and representation are critically evaluated and how these amendments are affect on political body. The research depends on both primary and secondary sources of information. The primary source include the official text of 26th and 27th debates, legislative records and relevant judicial decisions. The secondary sources include research articles, academic journals, newspapers and policy reports. These sources help in developing a detailed understanding about amendments. This analysis is guided by governance indicators such as accountability, transparency, rule of law, institutional balance and political inclusion. The scope of this study is limited to examine the constitutional and government related implications. It did not attempt to evaluate overall performance of governance or political actors beyond their connections.

Results and Discussions

26th Amendment

Pakistan's Constitution was implemented in 1973. It gives the fundamental legal basis for national government. It has several segments that defend people's fundamental rights. Since its formation, a amount of adjustments have been added to discuss political, societal needs as well as those of others. Between these, the 26th Amendment has prompted a lot of discussion, particularly as to how it influences the judiciary's independence. The rule of law and free democracy depend on judicial independence. The effect of the 26th Amendment on Pakistan's judiciary will be examined. It evaluates whether judicial autonomy is gone up or down by the amendment. Even though the 26th Amendment deals

with governance 's difficulties to judicial checking, little research was done on how it affects judicial independence (Muzaffar, Fern, & Yaseen, 2023). In October 2024, it was swiftly approved by the National Assembly and the Senate, got presidential approval, and was formally published in the Newspaper. The 1973 Constitution has been changed substantially by this amendment (Muzaffar, et. al., 2024; Muhammad & Ali. 2025).

Analysis of 26th Amendment

The 26th Amendment to the 1973 Constitution is an essential modification of Pakistan's constitution. It has radically transformed Pakistan's judicial system. The Supreme Court's and higher courts' authority has been significantly altered by the amendment. As the leadership gains additional power to influence the judiciary, the amendment is also in charge of shifting the balance between the two branches of government. Critics argue that the 26th Constitutional Amendment would politicize the higher courts and open the door to undermining judicial independence because it has brought about an array of dramatic changes to Pakistan's legal system. (Muhammad & Ali. 2025).

Composition of Judicial Commission of Pakistan

The Judicial Commission of Pakistan (JCP) is changed feasible by the 26th amendment, which care to increase executive and parliamentary power. According to article 175-A, the adapt JCP composition now shall comprise of the Chief Justice and senior judges, two members of the National Assembly, two members of the Senate, a assigned woman or non-Muslim, the Law Minister, the Attorney General, and a Senior Advocate of the High Court. Eight of the JCP's 13 members are non-judicial, which might also result in further political support (Abdullah, 2025).

End of sanitary Principle

The Chief Justice was the Supreme Court's most senior judge previous to the 26th Revision. As according to choose another article 175-A(3), the amendment formed a Special Parliamentary Inquiry the Chief Justice from among the three most senior justices. The Prime Minister will receive the name of the chosen nominee and forward it to the President for meeting. With no set standards for nominee among the three judges, this modification abolishes the seniority (Abdullah, 2025).

Formation of Constitutional Benches

The Supreme Court will have Constitutional Benches made up of Supreme Court judges for terms that the Judicial Commission of Pakistan may choose from time to time. However, the Constitutional Benches may consist of an equal number of judges from each province. The most senior judge of the Constitutional Benches will be the most senior judge among the judges selected under article (1). The following powers granted to the Supreme Court shall not be exercised by any Supreme Court bench other than a Constitutional Bench:

- (a) original jurisdiction of the Supreme Court under Article 184
- (b) appellate jurisdiction of the Supreme Court under clause (3) of Article 185, in cases where a High Court's judgment or order concerns the constitutionality of any law or a significant legal question regarding the interpretation of the Constitution.
- (c) advisory jurisdiction of the Supreme Court under Article 186.

For the purposes of clause (3), a committee made up of the most senior judge of the Constitutional Benches and the next two most senior judges from the judges nominated under clause (1) will nominate a bench of at least five judges to hear and decide such

matters.

The judges chosen under clause (1) may create rules governing the practice and procedure of the Constitution, regardless of anything contained in the Constitution but subject law.

Su moto powers of Supreme Court

The Supreme Court had wide Sumoto powers before to the amendment, enabling it to act without an application. The Supreme Court is no longer able to make decisions on its own initiative outside of the contents of an application file under 184 clause 3 due to the limitations of Sumoto powers following the twenty sixth constitutional amendment (Khan, 2025)

Removal on the ground of inefficiency

In accordance to the updates, judges of the Supreme Court and High Courts may be put forward for dismissal by the Supreme Judicial Council (SJC), a judicial body sanction with implementing so, if it concludes that they "may be inefficient in the performance of the duties" of their respective offices. In this concern, neither a definition nor away in or basics for "inefficiency" are established by the 26th Amendment. Incapacity or unsuitable behavior served as the SJC's grounds for removal. Article 14 of the International Compact on Civil and Political Rights (ICCPR), which ensures the prerogative to equal in the legal regime and to a fair and public hearing by a competent, independent, and impartial tribunal established by law, is directly violated by these revisions. The obligation to an unbiased hearing is further guaranteed in Article 10A of the Pakistani Constitution (International commission of Jurists, 2024)

27th Amendment

The 27th Constitutional Amendment to the 1973 Constitution of the Islamic Republic of Pakistan marks a new chapter in the country's political and constitutional history. The bill was approved with a two-thirds majority, which is a prerequisite for any constitutional amendment in a federation like Pakistan. This amendment has fulfilled this requirement. The bill was introduced in the Pakistani Senate and was passed by a two-thirds majority with 64 votes cast in favor while no votes were cast in opposition. The bill received 231 votes in national assembly. The bill received accede of President of Pakistan, Asif Ali Zardari on 13 November 2025 protest from opposition party through obtained 2/3rd majority in both house of parliament.

The National Assembly ratified the amendment on November 12, 2025, and it was again presented to the Senate of Pakistan on November 13, 2025, with a few changes, and was passed by the same body. The President of Pakistan signed the bill related to the 27 constitutional amendment on November 13, 2025. The amendment made certain changes in the constitution, particularly with reference to the offices of the President and the Defense Officers granting them lifetime immunity. The amendment has drawn criticism from different segments of society, especially with reference to the creation of Federal Constitutional Courts and the transfer of judges from one court to another (Tariq, et al, 2025).

Analysis of 27th Amendment

Restructing of Judicial System

The setup of constitutional judgments through the organization of a whole new court known as the Constitutional Court is one of the 27th Amendment's most important features. This clearly reveal the Supreme Court's essential role in constitutional argument and fundamental rights imposition. Since constitutional courts are established in a different

constitutional framework, Pakistan's environment exposes significant concerns because of the selection process, jurisdictional decay, and executive body effects. The Supreme Court's loss of constitutional jurisdiction competence might present an issue of institutional degradation.

Judicial appointments and transfer

This alteration grows the executive's participation in judicial officer appointments and transfers, specifically those affecting High Court judges. The security of tenure, an essential element of judicial independence, is weakened by this increased privacy. The transportable outcome of forced transfers or early retirements could put judges under indirect pressure and lead to poor verdicts that could undermine the authority of the military and executive branch (Iqbal & Sanjrani, 2025).

Amendments to defense leadership and Article 243

The military hierarchy is one of the most apparent changes. The 27th Amendment bill seeks to amend Article 243 of the Constitution, which presently gives the President and the federal government primacy over the armed forces. As a means to solidify leadership across the military forces, the Chief of Army Staff would take on the position of Chief of Defence Forces under the new arrangement. The proposed amendment will grant lifetime protection to titles like Field Marshal, Marshal of the Air Force, and Admiral of Fleet (Press Network of Pakistan)

Creation of FCC

The FCC, a new court with competence over constitutional interpretation, intergovernmental disputes, and related issues, was proposed under the 27th Amendment bill. The current higher court of Pakistan would only hear appeals and non-constitutional cases under this system. Equal territorial majority would make up the FCC, and eligibility requirements for judges such as duration of service would be modified (Press Network of Pakistan)

Appointment of Chief justice of Supreme court and Federal High Court

The Chief Justice in Pakistan was the most senior highest court judge previous to the 26th Amendment. Appropriately, either the Executive or the Parliament had any sort of say over this appointment. A political body known as a "Special Parliamentary Committee" (SPC), which is made up of four parliamentarians and eight members of the National Assembly, received this power by the 26th Constitutional Amendment. The SPC was given the authority to choose one of the top three Supreme Court justices to serve as Pakistan's Chief Justice. The Chief Justice of the FCC is appointed using the same procedure following the retirement of the first Chief Justice of the FCC, according to the 27th Amendment (International Commission of Jurists, 2025)

Conclusion

This study concludes that the 26th and 27th constitutional amendments represent significant developments in Pakistan's constitutional foundation, for extent implications for governance and representation. By arrangements, certain institutional and legal presentation, these modifications have sought to enhance the clarity in the distribution of power and improve the working of state organizations. The findings indicates that these reforms have the ability to strengthen governance by promoting institutional stability, improve state organs and representation system. In the absence of rule of law and strong institutional capacity the transformation ability of reforms remain limited. Therefore, a comprehensive approach that merge the legal system with organizational strengthening

and political ability is vital. The success of the constitutional amendments depend on the political and institutional practices and these amendments provide a framework for better working of government institutions..

Recommendations

Effective implementation of amendments should be developed to certify the objectives of 26th and 27th constitutional amendments are fully realized in practice. Through targeted training the organizational ability of governance can be strengthened, resource allocation and changing in democracy is important for ensuring the effective implementation. Procedures of the parliament should be reinforced to allow continuous monitoring of amendments to address administrative and judicial challenges. To protect exercise of authority and promote public trust in institutions the transparency and accountability must be important to institutionalized. Finally civic institution encourage public awareness and understanding of changes, enabling citizens to participate fully in government processes.

Future Research Directions

Future study may build undertaking observation to investigate the impact of 26th and 27th amendments on governance outcomes at both levels. Furthermore, it also explore the dynamics of politics and the interaction between amendments including civil-military relations, political parties and judiciary behavior. Moreover, longitudinal studies are recommended to examine the long-term effects on federalism and representation.

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