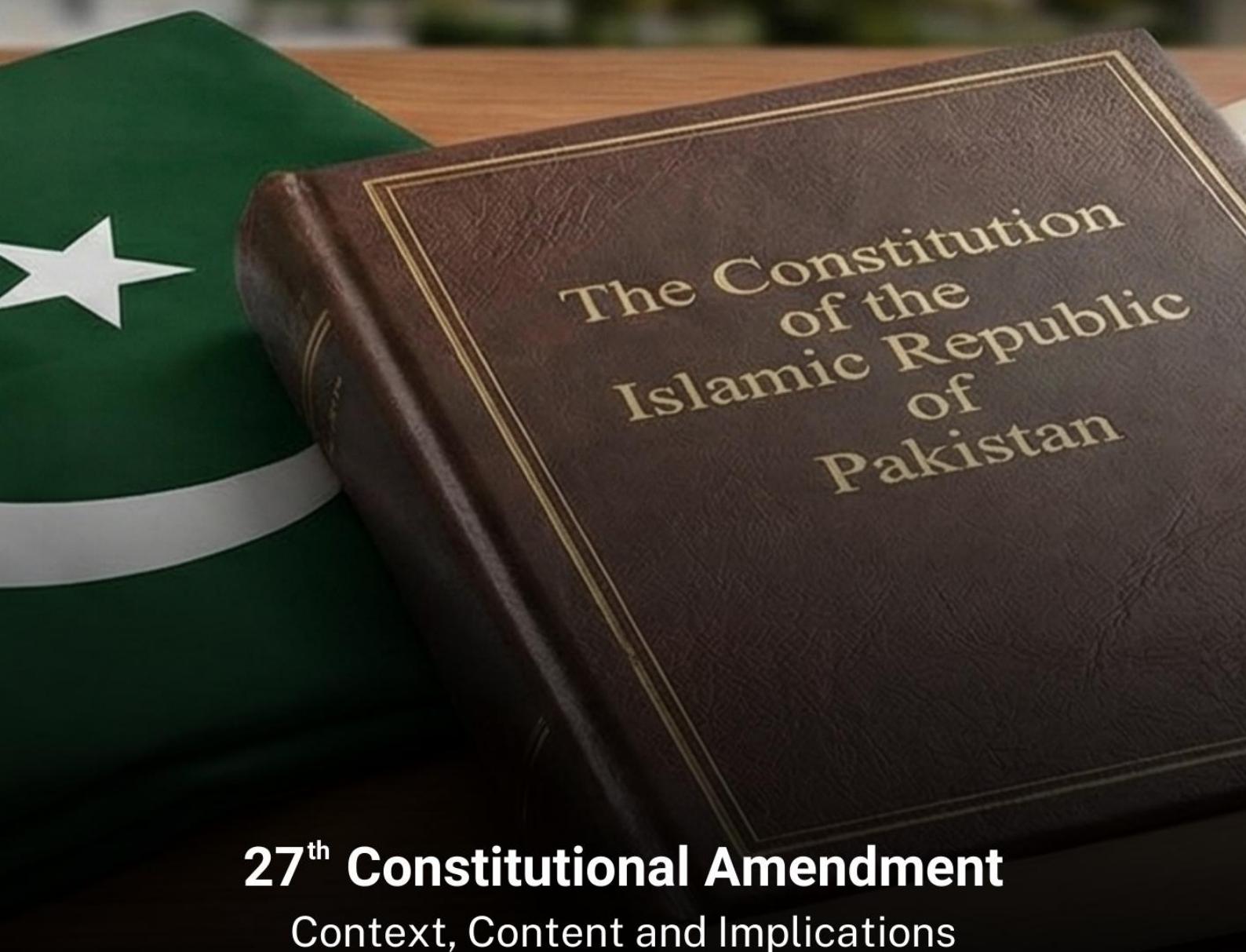


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POLICY BRIEF



27th Constitutional Amendment

Context, Content and Implications

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Introduction and Background

Pakistan's federal government has been operating under a sustained legitimacy deficit since the disputed general elections of 2024 (GE-2024). Allegations of pre-poll manipulation, uneven campaign conditions, and election-day interference have continued to cloud the credibility of the electoral outcome and legitimacy of governments formed. This legitimacy gap has had a direct bearing on governance choices made by the ruling coalition since assuming office.

One consequence of this deficit has been the increasing use of constitutional amendment as a governing instrument, rather than as a measured response to structural or institutional needs. The passage of two far-reaching constitutional amendments within a short span reflects not constitutional evolution but political expediency. Constitutional change has been deployed to secure authority, neutralize institutional constraints, and stabilize a contested governing arrangement, rather than to resolve long-standing constitutional ambiguities through broad-based consensus¹ (Friday Times, Nov. 2025).

From Rumors to Confirmation:

When rumors began circulating in late summer 2025 that the federal government was preparing yet another constitutional amendment, analysts initially dismissed them. The 26th Constitutional Amendment had been passed only months earlier, in October 2024, and another amendment in such rapid succession appeared unnecessary, if not unprecedented. The speculation gained credibility, however, when Pakistan People's Party (PPP) chairman Bilawal Bhutto Zardari publicly confirmed that a 27th amendment was under preparation and would address many of the same issues that the 26th amendment had sought to resolve² (Dawn, Nov. 2025).

This disclosure clarified what had increasingly appeared to be the government's strategy. It appeared that the 26th Amendment was not intended to be final as it was a compromised outcome shaped by parliamentary arithmetic, not by the government's original ambitions. Lacking the requisite two-thirds majority at the time, and dependent on support from an opposition party, the government was compelled to dilute key objectives, most notably the establishment of a separate constitutional court and the comprehensive restructuring of judicial authority. The coalition settled for a constitutional bench within the Supreme Court and partial executive leverage over judicial appointments, leaving its broader agenda incomplete³ (Kalanauri, 2025).

Pursuit for Requisite Majority:

The coalition's struggle to secure a two-thirds majority following the 2024 elections forms a critical backdrop to the 27th Amendment. Despite the withdrawal of Pakistan Tehreek-e-Insaf's (PTI) electoral symbol shortly before elections, the imprisonment of its leadership, and a sustained crackdown on its workers following the May 9, 2023 riots, PTI emerged as the single largest party in the National Assembly. Allegations that election-day manipulation denied PTI a simple if not a two-thirds majority were widely echoed by media, political parties, and international monitoring bodies⁴ (Afzal, 2024).

Pakistan Muslim League Nawaz (PML-N) finished second and PPP third. PMLN, with the support of PPP and smaller parties as well as independents, formed a coalition government that fell well short of the two-thirds parliamentary majority required for constitutional amendments. The denial by the Election Commission of

¹ <https://www.thefridaytimes.com/17-Nov-2025/18th-26th-27th-amendment-pakistan-s-democracy-rewritten>

² <https://www.dawn.com/news/1952914>

³ <https://kalanauri.com/a-critique-of-pakistans-26th-and-27th-constitutional-amendments-judiciary-grundnorm-and-separation-of-powers/>

⁴ <https://www.brookings.edu/articles/pakistans-surprising-and-marred-2024-election-and-what-comes-next/>

Pakistan (ECP) of PTI's proportionate share of reserved seats on technical and legal grounds bridged this shortfall⁵ (Business Recorder, 2024). These seats were redistributed among other parties, inflating the ruling coalition's strength.

The coalition further consolidated its position by winning Senate elections for federal capital and three provinces in April 2024⁶ (Pakistan Today, 2024). In a later development, the ruling coalition also claimed a good share in Senate elections for Khyber Pakhtunkhwa that occurred in April 2025 after a delay of one year due to litigation over reserved seats⁷ (Express Tribune, 2025). In July 2024, however, the Supreme Court invalidated this redistribution and ordered that PTI be awarded its rightful share. Although this ruling was never implemented, it temporarily deprived the coalition of its two-thirds majority. The delay in adjudicating the ECP's review petition prolonged uncertainty, pushing the coalition to seek alternative political arrangements.

Facing these constraints, the government proceeded with the 26th Constitutional Amendment by negotiating support from Jamiat Ulema-e-Islam Fazl (JUI-F) and extracting significant concessions in the process, most notably blocking the creation of a standalone constitutional court⁸ (Geo, 2025). The compromise resulted in the formation of a constitutional bench within the Supreme Court rather than a separate institution.

This bench later delivered outcomes central to the coalition's political survival, including acceptance of the ECP's review petition in October 2025, effectively restoring the earlier distribution of reserved seats among non-PTI parties⁹ (Express Tribune, 2025). With this judgment, the ruling coalition once again acquired the two-thirds majority it had been seeking. The parliamentary obstacle that had constrained the 26th Amendment was removed.

Why the 27th Amendment?

As noted earlier, GE-2024 is widely regarded as a reversal of the incremental improvements Pakistan had made in electoral administration since 2002 owing to the sheer scale of the alleged electoral fraud. Lacking popular legitimacy, the government increasingly relied on institutional consolidation and coercive capacity to govern, manage economic stabilization, and maintain political order.

The trichotomy principle of the constitution's separation of powers places the judiciary as a co-equal pillar of the state along with the executive and the parliament. Without reshaping judicial authority, the ruling coalition's capacity to govern without disruption remained uncertain. At the same time, the military leadership, emboldened by the April-May 2025 conflict with India and strengthened international engagement, sought continuity of command, policy direction, and insulation from legal challenge.

Historically, army chiefs in Pakistan have received extensions through statutory or executive means. However, extending authority beyond a certain threshold becomes politically and legally fraught. The 27th Amendment resolved this dilemma by embedding continuity directly into the constitutional framework. In doing so, it simultaneously neutralized judicial resistance and formalized an alignment between the civilian executive, the judiciary's restructured leadership, and the military command.

Some experts argue that the 27th Constitutional Amendment advances an agenda that is consistent with the military's expanding role in governance since 2018. Over this period, Pakistan's political system has operated

⁵ <https://www.brecorder.com/news/40292210/ecp-allocates-reserved-seats-claimed-by-sic-to-other-parties>

⁶ <https://www.pakistantoday.com.pk/2024/04/03/ruling-coalition-sweeps-senate-polls-with-ppp-grabs-11-pml-n-six-seats/>

⁷ <https://tribune.com.pk/story/2557191/senate-ruling-coalition-gets-23rd-majority>

⁸ <https://www.geo.tv/latest/568662-jui-f-suggests-govt-to-form-constitutional-bench-instead-of-court>

⁹ <https://tribune.com.pk/story/2553085/pti-loses-court-battle-for-reserved-seats>

under a hybrid arrangement in which formal civilian authority coexists with decisive military influence over political outcomes, security policy, and key aspects of economic governance. What distinguishes the post-2018 phase is not merely the persistence of this influence but its gradual institutionalization within civilian legal and constitutional frameworks¹⁰ (Shaikh, 2025). The 27th Amendment represents a further step in this direction by translating entrenched military preferences, particularly with respect to continuity of command and insulation from judicial scrutiny into constitutional provisions.

For many critics, the 27th Amendment echoes earlier episodes of military-backed constitutional amendments such as the 8th Amendment of 1985 and the 17th Amendment of 2003. However, unlike those amendments, which primarily validated existing regimes or expanded executive authority in general terms, the 27th Amendment restructures constitutional institutions around the tenure and authority of a single office, converting what had previously been managed through statutory extensions or political accommodations into a permanent constitutional arrangement. In doing so, it transforms constitutional design into a mechanism for securing individual continuity rather than institutional stability. Analysts believe that 27th amendment presents the most significant restructuring of Pakistan's judicial structure and military command since the adoption of the 1973 Constitution¹¹ (Malik, 2025).

The 26th Amendment as a Prelude:

Seen in retrospect, the 26th Constitutional Amendment functioned as a transitional instrument rather than an endpoint. While procedurally more consultative than the 27th Amendment, it also remained controversial in its intent and effect. Its partial restructuring of constitutional adjudication, expansion of executive influence over judicial appointments, and political targeting of perceived unfavorable judges paved the way for more assertive intervention once parliamentary constraints were removed. With coalition politics stabilized, judicial uncertainty reduced, and numerical dominance restored, the limitations that had shaped the 26th Amendment were swept aside. The conditions were thus created for the far-reaching judicial and constitutional reengineering introduced through the 27th Constitutional Amendment.

Key Components of the 27th Constitutional Amendment

The 27th Constitutional Amendment represents a comprehensive restructuring of Pakistan's constitutional order, spanning the judiciary, military command, and the accountability framework governing high constitutional offices. While individual elements of the amendment have attracted limited support, particularly among critics of judicial overreach, the amendment's cumulative design reflects a coordinated effort to consolidate power, neutralize institutional resistance, and making state officials out of reach of the law¹² (IBHARI, 2025).

Transforming the Judicial Structure:

At the heart of the 27th Amendment lies a fundamental reconfiguration of Pakistan's judicial architecture. The amendment establishes a Federal Constitutional Court (FCC) as a separate constitutional forum, thereby completing a process that began but remained incomplete under the 26th Amendment. Judges of the FCC are appointed directly by the Prime Minister, marking a decisive shift in appointment authority away from existing judicial-led mechanisms. This change substantially reduces judicial autonomy and introduces direct executive

¹⁰ <https://www.chathamhouse.org/2025/12/pakistans-27th-constitutional-amendment-moves-it-one-step-closer-authoritarian-rule>

¹¹ <https://constitutionnet.org/news/voices/shifting-scales-how-pakistans-27th-amendment-undermines-judicial-independence>

¹² <https://www.ibanet.org/IBHARI-condemns-Pakistans-27th-Constitutional-Amendment-as-flagrant-attack-on-judicial-independence-and-the-rule-of-law>

control over the apex forum of constitutional interpretation. International criticism went to the extent of calling it a full-frontal assault on the rule of law¹³ (ICJ, 2025).

Concurrently, the amendment strips the Supreme Court of its *suo motu* powers and original constitutional jurisdiction, functions that had historically positioned it as the principal guardian of constitutional rights and an active check on executive authority. While *suo motu* jurisdiction had been widely criticized for enabling judicial overreach, particularly during the period between 2010 and 2018, when judicial activism led to the dismissal of two elected prime ministers and significantly constrained executive functioning, the complete removal of this authority represents a sharp curtailment rather than a calibrated reform.

The amendment further empowers the President to transfer judges arbitrarily between courts, weakening tenure security and exposing judges to executive pressure. When combined with expanded executive influence over judicial appointments and promotions, these provisions consolidate control over the judiciary within the executive branch. Taken together, they amount to what many observers have described as the effective capture of the judiciary, replacing institutional independence with administrative subordination.

Rewriting Military Command System:

Another far-reaching and unprecedented feature of the 27th Amendment is the restructuring of Pakistan's military command hierarchy through the creation of the five-star office of Chief of Defence Forces (CDF). This office brings the Army, Air Force, and Navy under a single command, replacing the Joint Chiefs of Staff Committee, which had previously served as a coordinating mechanism among the three services.

This restructuring alters the balance of power within the armed forces and centralizes command authority. The framers of the amendment describe it as a measure to improve inter-services coordination and strategic coherence, particularly in the wake of the April–May 2025 conflict with India. The incumbent Chief of Army Staff, who was originally appointed for a three-year term set to expire in November 2025, had already received an extension through amendments to the Army Act in 2024, which converted the term from three to five years, extending his tenure to November 2027¹⁴ (Senate of Pakistan, 2024). The creation of the CDF position goes significantly further. By establishing a new five-year constitutional office immediately following the retirement of the last Joint Chief of Staff on November 27, 2025, the amendment effectively grants the incumbent an additional three years in command, extending his authority to November 2030.

In this sense, the amendment constructs a new command hierarchy tailored to a specific officer rather than to long-term institutional reform. For some critics, it was one step closer to the authoritarian rule¹⁵ (Shaikh, 2025). What had previously been achieved through statutory extensions and political consensus is now secured through constitutional redesign.

Lifetime Privileges and Broad Immunities:

Perhaps the most controversial aspect of the 27th Amendment is its provision for lifetime privileges and immunities. The amendment constitutionally guarantees the CDF lifetime rank, uniform, protocol, and associated

¹³ <https://www.icj.org/pakistan-dismantling-justice-a-full-frontal-assault-on-the-rule-of-law/>

¹⁴ https://www.senate.gov.pk/uploads/documents/1730797346_323.pdf

¹⁵ <https://www.chathamhouse.org/2025/12/pakistans-27th-constitutional-amendment-moves-it-one-step-closer-authoritarian-rule>

privileges, an unprecedented move in Pakistan's constitutional history. More consequentially, it grants lifetime immunity from criminal proceedings not only to the CDF but also to the President and governors.

This blanket immunity represents a profound departure from constitutional norms of equality before the law. No previous constitutional amendment in Pakistan has extended such comprehensive and permanent protection to office-holders, particularly after the completion of their tenure. By insulating key figures from legal accountability, the amendment undermines fundamental constitutional principles and erodes the credibility of accountability mechanisms.

The immunity clause triggered immediate and widespread criticism. Domestic opposition parties, legal bodies, civil society organizations, and media outlets condemned it as constitutionally indefensible. Internationally, concerns were raised by United Nations bodies, human rights organizations, and foreign observers, who viewed the provision as incompatible with democratic governance and the rule of law¹⁶ (Dawn, Nov. 2025). The extension of immunity to governors and the president further broadened the scope of criticism, reinforcing perceptions that the amendment was designed to shield an entire governing elite rather than to serve any functional institutional purpose.

Why the 27th Amendment is Unusual in Constitutional Practice?

Constitutions are ordinarily amended to address identifiable structural problems, clarify the allocation of powers, resolve institutional deadlocks, accommodate social or economic transformation, or recalibrate federal or democratic arrangements through negotiated consensus. Even controversial amendments typically claim an impersonal logic grounded in institutional necessity or systemic reform.

The 27th Constitutional Amendment defies this tradition in a fundamental way. Rather than responding to an abstract governance problem, it reconfigures constitutional architecture to secure the position, authority, continuity, and legal protection of specific office-holders, effectively converting an existing *de facto* power arrangement into a *de jure* constitutional order. This transformation is not incidental as it is embedded across multiple constitutional domains such as judicial authority, military command, and legal accountability that has produced a tightly interlocked system oriented around continuity rather than contestability. In this sense, the amendment reflects not merely the continuation of Pakistan's hybrid governance model but its transformation into what may be described as a "hybrid-plus" order, one in which civilian institutions, judicial mechanisms, and military command structures are constitutionally aligned to sustain a particular configuration of power.

Implications for Governance and the Rule of Law:

The 27th Amendment significantly weakens the constitutional balance among state institutions. By removing the judiciary's capacity to act as an effective check on executive and military authority, the amendment disturbs the trichotomy of powers that underpins constitutional governance. Oversight functions that were once centralized within the Supreme Court are now fragmented, redistributed, or neutralized with no institution with the authority or independence to perform comprehensive constitutional review.

For citizens, this institutional degradation translates into narrower avenues for redress, delayed accountability, and reduced protection against arbitrary state action. The constitutional promise of checks and balances is replaced by administrative hierarchy and discretionary governance. Reduced judicial oversight and expanded executive discretion create conditions conducive to systematic contraction of civic space. Political opposition,

¹⁶ <https://www.dawn.com/news/1957946>

rights defenders, provincial movements, and marginalized communities become increasingly vulnerable to coercive regulation and punitive enforcement¹⁷ (Cheema, 2025). The state's response to political dissent, militancy, migration, and crime increasingly bypasses due process, relying instead on preventive detention, administrative action, and exceptional legal regimes.

Political and Social Repercussions:

Politically, the amendment has reinforced public perceptions that the constitution has been modified for personal and regime preservation, rather than institutional reform. This perception has further eroded trust in Parliament as an independent law-making body, weakening its legitimacy as a forum for constitutional deliberation. Socially, polarization has deepened. Political actors increasingly view constitutional processes not as shared rules of the game but as instruments wielded by those temporarily in power. This erosion of constitutional consensus undermines long-term stability and heightens the risk of extra-institutional contestation. Internationally, the amendment has intensified concern over Pakistan's trajectory toward entrenched, personalized authoritarianism. Criticism from multilateral institutions, human rights bodies, and external partners reflects apprehension not only about individual provisions but about the broader direction of constitutional governance that is marked by diminished accountability, weakened rule of law, and declining institutional credibility.

What a Future Parliament must Undo or Rebuild?

Pakistan's constitutional history indicates that such amendments, while disruptive in the short term, have rarely proven durable. The most far-reaching constitutional interventions of the past, the 8th Amendment of 1985 and the 17th Amendment of 2003, were ultimately rolled back once political conditions allowed for parliamentary correction. In both cases, amendments that entrenched executive dominance and validated extra-constitutional authority were substantially undone through rare but effective convergence between government and opposition parties. The 13th Amendment of 1997 dismantled the core architecture of the 8th Amendment, while the 18th Amendment of 2010 reversed most substantive provisions of the 17th Amendment within seven years of its enactment.

Past and partial reversals of the 8th and 17th Amendments were not driven by abstract constitutional idealism alone. They emerged from a shared political realization that exceptional constitutional arrangements ultimately undermine governance, constrain political competition, and erode institutional credibility across the system. Once immediate regime imperatives faded, both government and opposition actors found common cause in restoring constitutional balance, not as a moral project but as a functional necessity. Against this backdrop, it is likely that a future parliament will confront the 27th Amendment in a similar manner. As the political incentives that produced it diminish and the costs of personalized constitutional design become more apparent, pressures for recalibration are likely to re-emerge. The amendment's most intrusive features such as particularly lifetime immunities, individualized command structures, and weakened judicial oversight create precisely the kind of constitutional imbalance that has historically triggered cross-party efforts at repair.

The task before a future parliament, therefore, is not without precedent. Pakistan's constitutional experience suggests that even deeply embedded deviations from impersonal, rules-based governance can be reversed when political actors converge around the need for institutional equilibrium.

¹⁷ <https://www.globalpolicyjournal.com/blog/01/12/2025/elite-riches-empty-pockets-and-27th-amendment-what-global-experience-teaches-us>

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About Accountability Lab:

Accountability Lab (AL) is a think and do tank with main focus on making governance work for the people by supporting active citizens, responsible leaders, and accountable institutions. Our approach reimagines how to build accountability, envisioning a world where resources are used wisely, decisions benefit everyone fairly, and people lead secure lives.

Unlike traditional organizations working in accountability, rule of law, or anti-corruption, AL integrates accountability as a core value across themes such as governance, human rights, education, climate justice, and health. Through positive storytelling, cross-sectoral collaboration, and “insider-outsider” networks, AL continues to build spaces where diverse voices shape meaningful and sustainable change.