

## THE EMERGENCE OF CONSTITUTIONAL COURTS IN PAKISTAN: RESTRUCTURING JUDICIAL POWER AND CONSTITUTIONAL ADJUDICATION

Tahir Mahmood<sup>1</sup>, Dr. Bakht Munir<sup>\*2</sup>, Hijab Batool<sup>3</sup>, Najam Ali<sup>4</sup>, Gouhar Ali<sup>5</sup>

<sup>\*1,3,4,5</sup>LLM Scholar, University of Lahore (UOL), Lahore, Pakistan

<sup>2</sup>Postdoctoral Fellow, University of Kansas School of Law

<sup>1</sup>tahirnawaz222@gmail.com, <sup>2</sup>bakht.munir@ku.edu, <sup>3</sup>hijabbatool570@gmail.com,

<sup>4</sup>advocatenajamali@gmail.com, <sup>5</sup>aliadvocate.hc@gmail.com

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Corresponding Author: \*

Dr. Bakht Munir

### Abstract

This paper explores the role of the 26th and 27th Constitutional Amendments in reforming judicial power and constitutional adjudication in Pakistan, and how they have affected judicial independence, constitutional supremacy, and the balance of power among state institutions. This analysis will begin by explaining the pre-amendment status of the judiciary, in which the Supreme Court served as the main protector of the Constitution by reviewing its own decisions, appointing judges based on seniority, and exercising *Suo motu* power. The paper argues that, despite this model's drawbacks, particularly the persistent conflicts between the judiciary and the political branches, it has managed to retain a relatively cohesive system of constitutional checks and balances. It then reviews the 26th Amendment, noting four major changes: the tenure of the Chief Justice, the reconstitution of the Judicial Commission, the restriction of *Suo motu* powers, and the establishment of constitutional benches. The paper concludes that these reforms, though introduced to enhance institutional continuity, accountability, and specialization, also introduced political control over the appointment of judges and undermined the judiciary's independent checking role. The 27th Amendment was introduced as the next, more profound structural change, establishing the Federal Constitutional Court (FCC) and removing the Supreme Court's constitutional preeminence. The study notes that this development created parallel apex courts, heightened the risk of conflicting constitutional interpretations, and weakened the judicial hierarchy. The study finds that the two amendments were packaged as efficiency-based reforms but, in reality, reshaped judicial power in ways that can jeopardize fair adjudication and expose the courts to indirect executive influence.

### 1 INTRODUCTION

The independence of the judiciary was one of the basic principles of constitutional democracies, in which the judiciary was free to perform its duties without interference or undue influence from the

executive and legislative branches of government. It ensured that judges rendered their decisions based on the law and facts of a case without fear of reprisal or political influence (Alam et al., 2025). Judicial independence, in the context of Pakistan, where the judiciary has frequently been caught in

the crossfire of politics, has served as both a point of contention and a necessary means of checking authoritarianism. The rule of law, the safeguarding of fundamental rights, and the need to preserve constitutional values amid changing political environments were largely due to the judiciary's independence. The judicial system in Pakistan has undergone numerous reforms over the years in response to internal and external pressures (Khan, 2014).

The 26th and 27th Constitutional Amendments, enacted in 2024 and 2025, respectively, were among the most notable reforms. These amendments marked a historic change in the Pakistani Constitution, particularly regarding the organization and operation of the judiciary. The 26th Amendment had a major impact on the tenure of judicial officeholders, especially the Chief Justice, and transformed the process of judicial appointments (Mahmood et al., 2025). It also established the tenure of the Chief Justice, which affected institutional continuity and judicial independence (Muhib et al., 2025). Additionally, this amendment's reconstitution of the Judicial Commission shifted the balance of power in the judicial appointment process, shifting authority from judicial players to political leaders. This reform raised apprehensions about the possibility of politicizing the judicial appointment process and how this could interfere with the independence and objectivity of the judiciary (Nawaz & Bexci, 2024).

In 2025, the 27th Amendment established the Federal Constitutional Court (FCC), intended to replace the Supreme Court as the arbiter of constitutional supremacy. This action was radical because it transferred the power to interpret the Constitution to a new parallel court. The amendment also weakened the Supreme Court's position by establishing the FCC, potentially diminishing its role as the ultimate arbiter of constitutional disputes. This raised important concerns about the chain of command within Pakistan's judicial authority and the dangers of parallel courts, which may have led to the disintegration of judicial authority and the deterioration of uniformity in legal judgments (Nazir et al., 2024). The hypothesis that informed

this analysis was that, although these constitutional amendments could have been viewed as intended to streamline judicial processes and enhance specialization in constitutional adjudication, they were also a significant threat to the judiciary's independence. The restructuring of judicial authority by these amendments might, in theory, have improved efficiency and strengthened constitutional checks and balances (Kasuri et al., 2024). Nevertheless, the reforms eventually undermined the judiciary's independence, as power was concentrated in the executive, particularly through control over judicial appointments and the introduction of a new constitutional court. The amendments provided avenues that could have enabled political actors to exert greater influence over judicial rulings, thereby compromising the basic value of judicial independence (Khan et al., 2025).

This article critically examines these amendments and analyzes whether the provisions they introduced are more likely to reinforce or undermine judicial independence in Pakistan (Mahmood et al., 2026). It discussed the implications of the 26th and 27th Amendments for judicial appointments, judicial independence, and the overall balance of power between the judiciary and the executive. At the end of the analysis, it was hoped that an in-depth insight into how these constitutional reforms influenced the future course of judicial independence in Pakistan could be provided (Munir et al., 2024).

## 2 Pre-Amendment Position of the Judiciary

The judiciary, particularly the Supreme Court, took center stage as the protector of the Constitution before the 26th and 27th Constitutional Amendments changed the situation in Pakistan by reforming the judicial system to enforce constitutional ideals and safeguard basic rights. This part discusses the judiciary's situation during the pre-amendment era, the Supreme Court's role as the guardian of the Constitution, the judicial appointment process, the importance of suo motu jurisdiction, and conflicts between the judiciary and the political system (Nawaz & Bexci, 2025a).

### 2.1 Supreme Court as the Constitutional Guardian

The Supreme Court of Pakistan has long served as the constitutional watchdog, charged with protecting the Constitution and its supremacy. As the country's highest court, the Supreme Court was granted the power of judicial review, enabling it to determine the constitutionality of laws, executive policies, and legislative decisions. This office played an important role in upholding the rule of law and ensuring that the government acted within the limits of the Constitution. A case in which the Supreme Court played one of its greatest roles as the constitutional protector was the one that informed the limits of executive and legislative authority. The Court's capacity to void unconstitutional legislation and actions had rendered it an influential check on political pressures and, in most cases, the ultimate judge in constitutional interpretation issues (Nawaz & Bexci, 2025b). By so doing, the Supreme Court was not only fulfilling its role as a court but also acting as a political actor that could influence the course of the ruling. Nevertheless, the judiciary became a political battleground over this authority because its rulings at times ran counter to the government of the day. Such tension between the judiciary and the political branches frequently led to conflicts, and some political leaders questioned the Court's independence and its ability to decide without outside pressure (Munir et al., 2022).

### 2.2 Judicial Seniority and Appointments Convention

In Pakistan, judicial appointments were traditionally based on seniority, so any judge appointed to a higher position was selected for that position based on years of service and seniority within the judiciary. The Chief Justice, as head of the judicial system, was usually appointed based on seniority, and in this case, the most senior judge was promoted to the position. This system was intended to ensure continuity and stability in the judiciary, as senior judges were expected to bring experience and objectivity to their positions. Although the seniority convention was meant to bring fairness to the appointment process, it was not without its challenges (Munir et

al., 2021). The most significant concern was the potential for political influence in the appointment of judges. The judicial appointment process was widely considered prone to manipulation, and governments could prevail in selecting judges perceived as politically friendly. This instilled distrust in the judiciary and raised questions about the fairness of the judicial system. Some of these issues were addressed by the 18th Amendment of 2010, which proposed a Judicial Commission to oversee judicial appointments and included representation from both the judiciary and the executive. Nevertheless, despite these reforms, tension persisted in the appointment process, especially because politics and the judiciary never agreed on the right balance of power between the two arms in appointing judges (Sabir, 2026).

### 2.3 Suo Motu Jurisdiction as a Constitutional Check

Another crucial aspect of the judiciary's constitutional oversight role was the Supreme Court's Suo motu jurisdiction. Suo motu, meaning "on its own motion," allowed the Supreme Court to take up matters of public interest or constitutional importance without waiting for a formal petition. This power gave the Court latitude to intervene in matters it deemed necessary, particularly when fundamental rights were being compromised or there were breaches of the Constitution. The exercise of Suo motu powers by the Supreme Court was evident in matters involving human rights abuses, government misconduct, and issues affecting the interests of the people (Nawaz & Bexci, 2025b). Among the best examples of Suo motu intervention was the missing persons case in Pakistan, in which the Court intervened in response to the state's failure to address claims of enforced disappearance. Likewise, the Court exercised suo motu jurisdiction to resolve matters such as electoral fraud, government corruption, and misappropriation of public funds. Although Suo motu jurisdiction was regarded as a potent means of judicial accountability and safeguarding the rights of the population, it also provoked fears of judicial overreach. Critics said that the frequent

exercise of *Suo motu* powers by the Court enabled it to become too involved in issues that were traditionally within the scope of the executive and the legislature. This raised questions about the proper boundaries of judicial interference and the necessity of maintaining the separation of powers among the branches of government (Awan, 2025).

#### 2.4 Current Tensions between Political and Judiciary Branches

The constant conflict between the judiciary and the political arms of government was a defining feature of the pre-amendment judicial situation in Pakistan. This tension persisted throughout the history of Pakistani constitutional development, especially during military rule, when dictatorships compromised the judiciary's independence. The executive and the legislature tended to mistrust the judiciary, and vice versa, as each accused the other of overstepping constitutional limits. The political branches often sought to assert control over the judiciary, particularly regarding judicial appointments and the Court's ability to check the executive's actions. The judiciary, on the other hand, tended to assert its independence, question executive decisions, and hold the government accountable for its actions. This dynamic established a delicate balance of power, with the judiciary perceived at times as a check on the political arms and at other times as overreaching and meddling in the governance process (Nawaz & Bexci, 2025b).

### 3 The 26th Constitutional Amendment and Judicial Independence

The 26th Constitutional Amendment, which took effect in 2024, was a landmark in Pakistan's constitutional history, as it introduced significant changes to the structure and functioning of the judicial system. These reforms were meant to address long-standing issues regarding the independence of the judiciary, the politicization of judicial appointments, and the judiciary's role in ensuring constitutional checks and balances. In this section, the discussion will focus on the major provisions of the 26th Amendment and how they will affect judicial independence. The provisions are the fixed term of the Chief Justice, the

reconstitution of the Judicial Commission, the restriction on the *suo motu* power, and the establishment of the constitutional benches. All these reforms have extensive implications for the judiciary's independence and impartiality (Muhammad & Ali, 2025).

#### 3.1 Tenure of the Chief Justice

The introduction of a fixed tenure for the Chief Justice of Pakistan is one of the best provisions in the 26th Amendment. Before this amendment, the Chief Justice was selected based on seniority and served until retirement, usually at age 65. The introduction of a fixed tenure, however, has changed the way the highest judicial position is held. In the new system, the Chief Justice is nominated to a three-year term of office, though in most cases it is not a seniority-based term. The provision of a fixed tenure has various implications for institutional continuity.

On the one hand, it may help ensure that the Chief Justice will remain in office long enough to implement serious reforms and provide stability to the judiciary (Qaiser et al., 2025). The tenure system can also help minimize the judiciary's susceptibility to political influence by ensuring the appointment of new Chief Justices. Moreover, it can help the judiciary avoid inconveniences arising from the ambiguity of transitioning to different powers and allow the smooth sailing of court activities without abrupt changes that may occur when there is a change in leadership. The fact that a Chief Justice can be removed early is also a factor that can lead to the politicization of the judiciary, since the Prime Minister can do it with the consent of the Parliament. Although this is meant to promote accountability, it has also paved the way for political interference in the judiciary's leadership, especially when the Chief Justice is perceived as not serving the government's interests (Khan, 2025).

#### 3.2 Building of the Judicial Commission

The other important provision of the 26th Amendment is the reconstitution of the Judicial Commission, which is central to the judicial appointments process. Before the amendment, the Judicial Commission had both judicial and

executive members, including the Chief Justice and the Prime Minister. The 26th Amendment altered this structure, shifting the balance of power in the Commission by placing political actors, rather than judges, in charge. This development was significant for judicial independence, which had long been a thorn in Pakistan's flesh. More political actors in the Judicial Commission may give the government greater influence over judicial appointments, potentially compromising the judiciary's autonomy (Iqbal & Zarkoon, 2025). This may lead to the appointment of politically aligned judges, thereby undermining the judiciary through a lack of impartiality. Another key issue regarding the reconstitution of the Judicial Commission is its potential impact on the autonomy of appointments. The independence of the judiciary, in the sense that the executive does not interfere with the selection of its members, is considered a pillar of judicial independence. However, the growing political representation in the Commission jeopardizes this independence. Critics suggest that the new system may result in a judiciary that is more politically controlled than one guided by the ideals of fairness and justice. This may undermine the judiciary's role as a check on executive power and, therefore, make it more challenging to balance the power of the three arms of government (Abdullah, 2025).

### 3.3 Limitation of *Suo Motu* Powers

There were also restrictions on the Supreme Court's *suo motu* powers, as set out in the 26th amendment, which permitted the Court to take up cases of public interest or constitutional significance without being petitioned. *Suo motu* jurisdiction was a strong tool for the Supreme Court to intervene in issues involving human rights violations, governmental misconduct, and constitutional matters. Nonetheless, judicial activists opposed the judiciary's activism, claiming that the Court had exercised its *suo motu* authority too extensively, to the point of interfering with the powers of the executive and the legislature. The restriction on *suo motu* powers in the 26th Amendment is a move to balance the judiciary's accountability and initiative. On the one hand, the amendment aims to hold the judiciary accountable for its actions by

restricting its unilateral authority, particularly in areas where there may be concerns about overreach (Hassan et al., 2024). This restriction is meant to ensure that the judiciary does not engage in judicial activism, in which the Court may perform functions beyond its constitutional mandate. Conversely, restricting *suo motu* powers also limits the judiciary's independence to play a role in matters of great public concern when the executive or legislature might not want to take any action. Opponents of the amendment believe that restricting *suo motu* jurisdiction compromises the judiciary's capacity to exercise constitutional checks and balances and to guard fundamental rights when no other arm of government is answerable to pressing matters. The outcome may be a diluted system of checks and balances, with the executive and the legislature able to act more freely without judicial review (Rafique et al., 2025).

### 3.4 Creation of Constitutional Benches: Control Over Bench Composition

Finally, the 26th Amendment established the Supreme Court's constitutional benches. Special benches are charged with presiding over cases of constitutional significance, ensuring they are handled with the required expertise and care. When the executive or legislative branch can influence the appointment of judges who will serve on constitutional benches, there is a chance that those judges will be more inclined to rule in favor of the government's interests (Rafique et al., 2025). This may jeopardize the fairness of the judicial process and the judiciary's effectiveness as an autonomous check on government authority. Although the establishment of constitutional benches could be regarded as a way to increase the judiciary's specialization and efficiency, it also poses risks of political influence. When the composition of these benches is politicized, it may leave the Court unable to render independent judgments on critical constitutional issues. In that way, the establishment of constitutional benches under the 26th Amendment has both positive and negative implications for judicial independence (Nadeem et al., 2023).

#### 4 The 27th Constitutional Amendment: Federal Constitutional Court (FCC)

In 2025, the 27th Constitutional Amendment brought a revolutionary change to Pakistan's judicial system by creating a Federal Constitutional Court (FCC). This new court was meant to play a central role in the country's legal system and to replace the Supreme Court's role in ensuring constitutional supremacy. The establishment of the FCC cast serious doubt on the sharing of judicial authority and on its possible consequences for judicial independence, judicial hierarchy, and the balance of power between the judicial system and the executive. This section analyzes the various provisions of the 27th Amendment, such as the transmission of constitutional supremacy to the FCC, the rules governing binding constitutional decisions, the influence of parallel apex courts, and the dangers of the course of appointment and retirement (Tariq et al., 2025).

##### 4.1 Transfer of Constitutional Supremacy from the Supreme Court to the FCC

The transfer of constitutional supremacy to the new Federal Constitutional Court (FCC), as provided by the 27th Constitutional Amendment, is one of the most important changes it has made. Before the amendment, the Supreme Court of Pakistan was the sole interpreter and protector of the Constitution. The Supreme Court, as the apex court in the land, was the sole adjudicator of constitutional issues, and its rulings were binding on all other courts and government agencies. This was altered with the creation of the FCC, which gave it the power to decide constitutional matters, thereby removing the Supreme Court's constitutional supremacy. This change of power has drastic consequences for the judiciary. This has led the Supreme Court, the long-time final authority in matters of constitutional interpretation, to share this power with the FCC (Younas et al., 2025).

Although the objective of the formation of the FCC was to facilitate a streamlined constitutional adjudication process and specialized constitutional expertise, it has produced a system with two highest courts, each with its own

jurisdiction and place in the judicial hierarchy. The establishment of the FCC aimed to centralize constitutional review and make it more effective; however, it also raised the possibility of the judicial system's disintegration. The question that will emerge is whether such a separation of constitutional power will bring uniformity in the interpretation of the constitution, or lead to conflicting decisions by the two courts with similar jurisdictions. The shift of constitutional supremacy to the FCC also raises the possibility of political interference in constitutional adjudication. The Supreme Court's position as the ultimate adjudicator of constitutional controversies was weakened by the creation of the FCC, which may make the judicial system more vulnerable to political manipulation, especially when the FCC is perceived as controlled by the executive branch (Iqbal & Sanjrani, 2025).

##### 4.2 Binding Nature of FCC Decisions

The rulings of the Federal Constitutional Court (FCC) are binding on all other Pakistani courts under the 27th Amendment. This clause guarantees that the FCC's interpretation of the Constitution is official and must be obeyed by all other courts, including the Supreme Court itself. The fact that FCC decisions are binding introduces a new dimension of legal control within the court system, further fortifying the FCC's power and influence in constitutional interpretation. Additionally, the binding effect of FCC decisions may hinder lower courts, including the Supreme Court, from independently interpreting the Constitution. The amendment would limit the discretionary powers of the courts, as lower courts would not be able to disagree with the FCC on matters related to the Constitution, since the FCC's decisions are binding. This might restrict the number of cases the court reviews and limit judges' capacity to render their own legal decisions, especially in difficult or novel constitutional cases (Akram et al., 2025).

##### 4.3 Parallel Apex Courts and Dilution of Judicial Hierarchy

With the establishment of the Federal Constitutional Court (FCC) under the 27th

Amendment, the idea of parallel apex courts in the Pakistan judicial system was introduced. The FCC is now on the same level as the Supreme Court, the country's highest court, in terms of jurisdiction over constitutional issues. This has considerable consequences for the judiciary's hierarchy, as such an arrangement raises the prospect of two supreme courts issuing opposite rulings. The introduction of parallel apex courts would result in a watering down of the traditional judicial hierarchy, in which the Supreme Court had been the ultimate constitutional adjudicator. The establishment of parallel apex courts is associated with inconsistency, which may manifest in legal decisions (Arif et al., 2026). When the Supreme Court and the FCC differ in their interpretations of the Constitution, this may create legal uncertainty and undermine public trust in the judicial system. The presence of two apex courts with overlapping jurisdiction may cause confusion about which court prevails in ruling on certain constitutional issues. This may result in protracted legal wrangling with the litigants, and in lower courts being confused about the decisions to adopt. Moreover, the establishment of parallel apex courts might lead to the fragmentation of legal power, with each court interpreting the Constitution differently. This would, in practice, lead to a less cohesive and effective judicial system

## 5 Mechanisms Affecting Judicial Independence

Pakistan had constitutional amendments under the 26th and 27th Amendments, which introduced various structural and procedural mechanisms that greatly affected judicial independence. These include, but are not limited to, court transfers, tenure protection of judicial independence, and the establishment of specialized courts, which are instrumental in strengthening or weakening judicial autonomy (Mehmood, 2020). The amendments also introduce a new dynamic between the judiciary and the executive, reconfiguring the appointment, transfer, and accountability of judges, and have given rise to critical issues of political influence. Judicial transfers are one mechanism that influences judicial independence and have

in terms of providing uniformity in the application of constitutional principles. There is a chance that the Supreme Court and the FCC will issue conflicting decisions, which may erode constitutional law in Pakistan and make it harder to establish legal precedent (Waseh & Mubarak, 2025).

## 4.4 Appointment and Retirement Provisions: Risks of Indirect Executive Leverage

The way judges of the Federal Constitutional Court (FCC) are appointed and retired also raises questions about executive influence over the judiciary. The procedure for judging FCC judges under the 27th Amendment has a more political tone, and the executive branch plays a greater role in the appointment process. Such a change in the appointment process may increase the likelihood that the executive exerts indirect leverage over the judiciary, especially when it can influence the appointment of judges perceived as sympathetic to its political needs. The inclusion of political players in the process of appointing judges to the FCC may lead to the appointment of individuals more likely to render judgments aligned with the interests of the ruling government (Waseh & Mubarak, 2025).

conventionally been regarded as a means of executive control. Although judicial transfers are occasionally necessary to ensure the efficient operation of the judiciary, when they are carried out inappropriately, they can serve as a means of politically controlling the judiciary. The threat of politically motivated transfers would undermine the security that judges ought to feel in their roles and result in a judiciary less willing to confront executive actions for fear of retaliation. Judicial independence is also influenced by the introduction of a fixed tenure for the Chief Justice under the 26th amendment (Muhammad et al., 2024).

Permanent tenure limits the flexibility of judicial leadership changes and may expose the judiciary to political trade-offs. Although a fixed tenure may help stabilize the institution by ensuring that the Chief Justice cannot be easily ousted, it also allows

the executive to strategize about how future appointments will be made. The executive can tactfully schedule appointments and removals so that the judiciary is not left independent of politics, thereby compromising its independence. Another essential mechanism introduced by the amendments is the creation of the Federal Constitutional Court (FCC), which marks a major shift in the structure of judicial power. The establishment of parallel apex courts weakens the Supreme Court and poses new threats of political

interference. The FCC, which is meant to address constitutional issues, might be influenced by the executive branch, especially in the appointment of judges. With appointments and retirements of FCC judges being heavily politicized, there is a greater likelihood of indirect executive control over the judicial system's decision-making, which may undermine the court's independence (Khan et al., 2025).

*Table 1 Comparison of Judicial Powers: Pre- and Post-Amendments*

Aspect	Pre-Amendment	Post-Amendment
Constitutional Authority	Supreme Court dominant	Shared with FCC
Judicial Appointments	Judicial-led (seniority)	Political influence increased
Suo Motu Powers	Broad and active	Restricted
Judicial Structure	Single apex court	Parallel apex courts
Independence Level	Relatively strong	Potentially weakened

**6 Early Consequences and Empirical Signals**

The initial effects of the 26th and 27th Constitutional Amendments have had significant repercussions for the judicial system, particularly regarding judges' security of tenure, the legal community's response, and the interaction between the case backlog and constitutional scrutiny. Among the most direct effects has been on the security of tenure of judges, which has been jeopardized by the creation of a fixed tenure for the Chief Justice and the possibility of judicial transfers (Shahzad et al., 2025). Fixing tenure, although it provides some institutional stability, has also created a platform for greater executive influence over judicial leadership, since the political arms can strategize to shape subsequent appointments and removals. This has, in turn, predisposed judges to political influence, raising questions about their independence and capacity to act without regard to political interests, especially in politically sensitive cases. The responses from bar associations and incumbent judges have been mixed, with some indicating that a sense of the judiciary's ideal independence is being undermined. Bar associations, regarded as champions of judicial independence, have expressed concern about the politicization of

judicial appointments and the expansion of executive dominion over the judiciary.

Many sitting judges remain unconvinced of the reforms' effect on their capacity to make independent decisions and fear they will be influenced by the politics of the day in their work. At the same time, some have welcomed the reforms, hoping they will lead to a more efficient and streamlined judicial process (Arif et al., 2026). With the establishment of the Federal Constitutional Court (FCC) in the 27th Amendment, a new source of confusion has been introduced into the judicial system, potentially diluting the Supreme Court's role as the supreme guarantor of the constitution. Although the FCC was introduced with the good intention of strengthening constitutional oversight, it has also raised questions about the judiciary's ability to handle more constitutional cases. This shift in roles between the Supreme Court and the FCC, combined with the already existing pressure on the judicial system (the number of cases under review), may strain effective constitutional oversight. The increasing caseload, particularly in high-profile constitutional cases, may affect the judiciary's capacity to respond effectively and promptly to urgent legal matters. Consequently, the constitutional power of the courts to safeguard

constitutional rights and check executive activities can be undermined if the volume of cases to be processed continues to rise, posing a threat to the judiciary's ability to retain its determinative role in the constitutional system (Wahab, 2025).

### Conclusion

The paper concludes that the development of new constitutional forms in the country, particularly through the 26th and 27th Constitutional Amendments, is a significant milestone in the history of judicial and constitutional evolution in Pakistan. These reforms not only update judicial administration but also appear to redistribute constitutional power in a way that could undermine the judiciary's institutional independence. The pre-amendment system, flawed as it was and in constant clash with political forces, had a clear hierarchy, with the Supreme Court acting as the linchpin constitutional watchdog. By comparison, the post-amendment system presents several structural alterations that, in the aggregate, diminish the Court's traditional power, politicize judicial appointments, and limit judicial discretion in making decisions of societal significance. These include the tenure of the Chief Justice, the changed composition of the Judicial Commission, the limitation of the *Suo motu* power, and the establishment of constitutional benches, all of which indicate a transformation of judicial self-governance toward greater influence by the executive and the legislature.

This tendency grows even stronger with the introduction of the Federal Constitutional Court, which shifts constitutional primacy to another institution and raises the prospect of parallel judicial authority at a higher level. The research concludes that the reforms can lead to legal uncertainty, institutional fragmentation, and uneven constitutional interpretation, and that they also increase the likelihood of indirect executive control over judges through the appointment and retirement process. The apprehension that these changes may undermine public confidence and the judiciary's role in the checks-and-balances process is further supported by the initial responses from bar associations, judges, and the broader legal community. Overall,

the research suggests that specialization in constitutional adjudication is never a favorable concept when combined with politicization and a lack of independence. Constitutional governance in Pakistan must be sustainable, which means that effective judicial systems should be supported by effective protection of autonomy, impartiality, and a single constitutional order.

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