

Liberal Journal of Language & Literature Review

Print ISSN: 3006-5887

Online ISSN: 3006-5895

<https://llrjournal.com/index.php/11>

**A CRITICAL ANALYSIS OF THE TWENTY-SEVENTH
CONSTITUTIONAL AMENDMENT TO THE CONSTITUTION OF
THE ISLAMIC REPUBLIC OF PAKISTAN 1973**



Haq Nawaz^{*1}, Dr. Manual Selvaraj Bexci²

*^{*1}PhD Social Sciences Arts & Humanities (Specialized
in Law) Research Scholar, Lincoln University College,
Malaysia*

*²Professor & Pro-Dean Faculty of Social Sciences Arts
& Humanities, Lincoln University College, Malaysia*

**1nawazlegal@gmail.com*

Abstract

The Twenty-Seventh Constitutional Amendment to the Constitution of the Islamic Republic of Pakistan, 1973 represents one of the most consequential attempts to restructure the country's constitutional and judicial background since the landmark Eighteenth Amendment. Central to this amendment is the establishment of a Federal Constitutional Court (FCC) with original, appellate, advisory, and review jurisdiction, accompanied by the omission of Articles 184(3) and 186, thereby transferring core constitutional and fundamental rights jurisdiction from the Supreme Court of Pakistan. This paper undertakes a critical, clause-by-clause analysis of the amendment through the lenses of constitutional theory, separation of powers, judicial independence, federalism, and comparative constitutional practice. It argues that while the creation of a specialized constitutional court and the reduction of the Supreme Court's workload may offer certain administrative and functional advantages, the proposed dual apex court structure risks judicial fragmentation, jurisdictional conflict, and inconsistent constitutional interpretation. The reconfiguration of judicial appointments under Article 175A, expanded executive influence in initial appointments, differential retirement ages, and the dilution of the Supreme Court's constitutional role raise serious concerns regarding politicization of the judiciary and erosion of institutional independence. Moreover, several provisions appear politically motivated, misplaced within a judicial reform framework, and insufficiently justified in terms of long-term constitutional planning. Drawing on comparative experiences from jurisdictions with constitutional courts, the study concludes that the amendment, as presently framed, threatens constitutional continuity and stability rather than strengthening democratic governance. It recommends reconsideration of the dual apex court model, restoration of the Supreme Court's core constitutional jurisdiction, and the adoption of consultative, transparent, and merit-based reform mechanisms to ensure that judicial restructuring in Pakistan reinforces the rule of law and constitutional supremacy.

Keywords: *Federal Constitutional Court, Twenty-Seventh Amendment, judicial independence, Supreme Court of Pakistan, constitutional restructuring, federalism.*

INTRODUCTION

The Constitutional amendments in Pakistan have historically functioned as critical instruments for redefining the balance of power among state institutions, often reflecting prevailing political exigencies rather than long-term constitutional design. Since the promulgation of the Constitution of the Islamic Republic of Pakistan, 1973, the amendment process has been repeatedly employed to recalibrate relations between the executive, legislature, judiciary, and military, producing a

Liberal Journal of Language & Literature Review

Print ISSN: 3006-5887

Online ISSN: 3006-5895

constitutional trajectory marked by both democratic consolidation and authoritarian distortion. Scholars have consistently observed that Pakistan's constitutional evolution reveals an enduring tension between parliamentary ideals and centralized power structures, with amendments frequently emerging in response to institutional conflict or political crisis rather than principled constitutional planning (Waseh & Mubarak, 2025; Khan, 2020). Within this historical continuum, the Twenty-Seventh Constitutional Amendment occupies a particularly consequential position. It represents one of the most ambitious attempts to restructure Pakistan's judicial and constitutional framework since the landmark Eighteenth Amendment of 2010. Whereas the 18th Amendment sought to restore parliamentary supremacy, strengthen federalism, and curtail executive dominance (Ahmed, 2020; Hussain & Kokab, 2012), the Twenty-Seventh Amendment proposes a fundamental reconfiguration of constitutional adjudication through the establishment of a Federal Constitutional Court (FCC).

This proposed court is vested with original, appellate, advisory, and review jurisdiction over constitutional matters, accompanied by the omission of Articles 184(3) and 186, thereby transferring the core jurisdiction relating to constitutional interpretation and fundamental rights enforcement from the Supreme Court of Pakistan to the newly created Federal Constitutional Court (FCC). Proponents of the amendment argue that the creation of a specialized constitutional court will enhance judicial efficiency, reduce the Supreme Court's workload, strengthen federal dispute resolution, and bring Pakistan in line with jurisdictions that employ constitutional courts as distinct guardians of constitutional supremacy. From this perspective, the Federal Constitutional Court (FCC) is envisioned as a forum capable of delivering coherent and authoritative constitutional jurisprudence while insulating the Supreme Court from excessive political and public-interest litigation (Tariq, Akhter, & Sajid, 2025). However, critics contend that the amendment risks fragmenting Pakistan's judicial hierarchy by introducing a dual apex court structure, a model that is rare even among states with constitutional courts and fraught with risks of jurisdictional overlap, inconsistent interpretation, and institutional rivalry (Oberdorf, 2019). More critically, the amendment raises profound concerns regarding judicial independence and separation of powers.

The reconfiguration of Article 175A, expanded executive and parliamentary influence in initial judicial appointments, differential retirement ages for judges of the Federal Constitutional Court (FCC) and the Supreme Court, and the temporary appointment mechanisms for acting judges collectively signal a shift toward increased political leverage over the judiciary. The omission of *Suo-Motu* jurisdiction and the removal of the Supreme Court's advisory role further weaken its historical position as the principal guardian of fundamental rights and constitutional accountability. In a polity where judicial intervention has often served as a counterbalance to executive overreach, these changes invite serious questions about the future of constitutional oversight and rule of law. The Twenty-Seventh Amendment must also be situated within Pakistan's broader constitutional amendment practice, which has oscillated between decentralization and centralization. While some amendments—most notably the 18th—have strengthened parliamentary democracy and provincial autonomy, others such as the 8th, 17th, and 21st Amendments have been criticized for legitimizing exceptionalism and concentrating power in the executive or military domains (Cheema, 2002; Shehzad et al., 2025). In this context, the Twenty-Seventh Amendment appears not merely as a judicial reform but as a continuation of constitutional engineering shaped by contemporary institutional tensions, particularly between the judiciary and the executive.

This study undertakes a critical, clause-by-clause analysis of the Twenty-Seventh Constitutional Amendment to assess whether it genuinely strengthens constitutional governance or instead

Liberal Journal of Language & Literature Review

Print ISSN: 3006-5887

Online ISSN: 3006-5895

undermines judicial independence, institutional coherence, and constitutional stability. Drawing upon constitutional theory, principles of separation of powers, federalism, and comparative constitutional practice, the paper evaluates both the purported benefits and the structural risks inherent in the proposed reforms. By situating the amendment within Pakistan's constitutional history and comparative global experience, the study seeks to contribute to an informed scholarly discourse on judicial restructuring and to offer normative recommendations aimed at preserving constitutional continuity, democratic accountability, and the supremacy of the Constitution

Research Problem: The central research problem guiding this study is whether the establishment of a Federal Constitutional Court through the Twenty-Seventh Constitutional Amendment strengthens Pakistan's constitutional governance or undermines judicial independence, institutional coherence, and constitutional stability.

Objectives of the Study: The primary objective of this study is to critically examine the Twenty-Seventh Constitutional Amendment to the Constitution of the Islamic Republic of Pakistan, 1973, with a focus on its structural, functional, and normative implications for Pakistan's judicial and constitutional framework. Specifically, the study aims to evaluate the establishment of the Federal Constitutional Court (FCC), its original, appellate, advisory, and review jurisdiction, and the consequential transfer of core constitutional powers from the Supreme Court of Pakistan. It seeks to analyze how these reforms affect judicial independence, the separation of powers, institutional coherence, and federal balance, while also assessing the potential risks of dual apex courts, politicization of judicial appointments, and fragmentation of constitutional interpretation. In addition, the research endeavors to situate the amendment within Pakistan's broader history of constitutional reforms, drawing comparative insights from international practices in constitutional adjudication. Ultimately, the study aims to provide informed recommendations to ensure that judicial restructuring strengthens democratic governance, preserves constitutional continuity, and upholds the rule of law in Pakistan.

Significance and Motivation of the Research: The significance and motivation of this research lie in its critical examination of the Twenty-Seventh Constitutional Amendment, a reform with profound implications for Pakistan's judicial architecture and democratic governance. Pakistan's constitutional history has been characterized by frequent amendments often motivated by political expediency rather than long-term institutional planning, creating recurring tensions between the judiciary, executive, and legislature (Waseh & Mubarak, 2025; Khan, 2020). The Twenty-Seventh Amendment, by establishing a Federal Constitutional Court (FCC) and transferring substantial jurisdiction from the Supreme Court of Pakistan, represents a landmark attempt to restructure constitutional adjudication. While proponents argue that the amendment enhances judicial efficiency, specialization, and federal dispute resolution, critics highlight the risks of dual apex courts, politicized judicial appointments, fragmentation of constitutional interpretation, and weakening of the Supreme Court's traditional role in fundamental rights enforcement (Tariq, Akhter, & Sajid, 2025). Motivated by the need to assess these structural, normative, and functional implications, this research seeks to provide a systematic, clause-by-clause analysis, situating the amendment within Pakistan's historical trajectory of constitutional reforms and comparative international experiences. The study is significant because it addresses pressing concerns regarding judicial independence, separation of powers, and constitutional continuity, offering scholarly

Liberal Journal of Language & Literature Review

Print ISSN: 3006-5887

Online ISSN: 3006-5895

insights that can guide policymakers, jurists, and academics in ensuring that judicial restructuring strengthens democratic governance, upholds the rule of law, and preserves institutional stability.

Literature Review: Ahsan Younas, Kashif Iqbal, and Dr. Anwar Ali (2025), writing in the *Journal for Current Sign*, provide one of the earliest scholarly examinations of the Twenty-Seventh Constitutional Amendment to the Constitution of Pakistan, situating it within the broader legal system of civil-military relations and institutional reform. The authors argue that the amendment represents a transformative reconfiguration of Pakistan's constitutional architecture through the creation of a Chief of Defence Forces, the abolition of the Chairman Joint Chiefs of Staff Committee, the establishment of a Federal Constitutional Court, and the extension of extensive legal immunities to senior military leadership. While the study acknowledges the proponents' claims that these reforms aim to modernize governance, enhance strategic coherence, and address contemporary security challenges, it critically highlights the risks posed to judicial independence, separation of powers, and democratic accountability. Drawing on New Institutionalism and classical civil-military relations theory, the article concludes that although the amendment may improve administrative efficiency and strategic coordination in the short term, it carries significant long-term challenges by centralizing authority within the executive and military spheres and potentially weakening constitutional checks and balances.

Waseh and Mubarak (2025) critically examine Pakistan's constitutional amendment process as a site of persistent tension between democratic aspirations and entrenched authoritarian legacies. Their analysis highlights how Articles 238-239 of the 1973 Constitution, which formally require a two-thirds parliamentary majority, have frequently been undermined by military interventions, elite bargaining, and politicized lawmaking. The authors argue that while landmark reforms such as the 18th Constitutional Amendment strengthened federalism and parliamentary sovereignty, other amendments—most notably the 8th and 21st—illustrate how constitutional change has been used to centralize power and normalize exceptionalism in the name of security. The study further emphasizes the judiciary's inconsistent engagement with an implied basic structure doctrine, as reflected in cases such as the NRO case (2009) and *District Bar Association v. Federation* (2015), which has contributed to uncertainty regarding the limits of parliamentary sovereignty. By drawing comparative insights from India's established basic structure jurisprudence and Bangladesh's post-crisis constitutional reforms, the article underscores the need for participatory amendment mechanisms, judicial coherence, and accountability of extra-constitutional actors. Overall, the authors contend that without structural reforms ensuring inclusivity, transparency, and constitutional supremacy, Pakistan's amendment process will continue to oscillate between democratic consolidation and authoritarian distortion.

Imran Ahmed's analysis of the Eighteenth Constitutional Amendment provides a comprehensive account of its historical origins, normative objectives, and continuing controversies in Pakistan's legal & constitutional system. Situating the Amendment in the aftermath of General Pervez Musharraf's authoritarian rule, Ahmed argues that the 18th Amendment was primarily conceived as a corrective measure aimed at dismantling excessive executive dominance, restoring parliamentary supremacy, strengthening judicial independence, expanding fundamental rights, and rebalancing center-province relations through enhanced federalism. The study highlights that the Amendment represented an unprecedented constitutional overhaul, amending nearly one-third of the 1973 Constitution, and was symbolically significant due to the rare political consensus achieved across

Liberal Journal of Language & Literature Review

Print ISSN: 3006-5887

Online ISSN: 3006-5895

party lines. However, Ahmed also underscores that the Amendment remains deeply contested, particularly regarding devolution of powers. While the abolition of the Concurrent Legislative List and the redistribution of resources through the NFC Award strengthened provincial autonomy, questions persist about provincial capacity, uneven governance outcomes, and the incomplete implementation of local government reforms under Article 140A. The article thus contributes to the literature by framing the 18th Amendment not merely as a legal reform but as an ongoing constitutional experiment, reflecting enduring tensions between centralization and federalism, civilian supremacy and civil–military relations, and constitutional idealism and administrative realities in Pakistan (Ahmed, 2020).

Hussain and Kokab (2012) provide a comprehensive and critical examination of the Eighteenth Constitutional Amendment of Pakistan, portraying it as one of the most significant constitutional developments since the adoption of the 1973 Constitution. The authors argue that the Amendment represents a collective political effort to restore parliamentary democracy by reversing authoritarian distortions introduced during military regimes, particularly through the Eighth and Seventeenth Amendments. Their analysis highlights key achievements of the Amendment, including the curtailment of presidential powers, strengthening of parliamentary supremacy, enhancement of provincial autonomy through the abolition of the Concurrent List, and expansion of fundamental rights such as the right to education, information, and fair trial. At the same time, the study critically engages with emerging controversies, notably concerns regarding potential over-centralization of power in party leadership, politicization of judicial appointments, challenges arising from devolution of legislative subjects to provinces, and unresolved questions about democratic stability. By situating the Amendment within Pakistan’s historical struggle between democratic and authoritarian forces, Hussain and Kokab conclude that while the Eighteenth Amendment marks a decisive step toward constitutionalism and federalism, it also introduces new institutional and political challenges that require sustained democratic maturity and governance capacity to address.

Tariq, Akhter, and Sajid (2025) critically examine the Twenty-Seventh Constitutional Amendment to the Constitution of Pakistan, characterizing it as a transformative yet controversial development in the country’s federal and constitutional framework. Their study situates the amendment within Pakistan’s federal structure, emphasizing that its passage through a constitutionally mandated two-thirds parliamentary majority lends it procedural legitimacy. Substantively, the authors argue that the amendment’s core objective is the adjudication of constitutional disputes between the federation and provinces through the establishment of Federal Constitutional Courts (FCCs), thereby redefining the balance of power between judicial institutions. While the amendment aims to streamline constitutional litigation and reduce the burden on the Supreme Court, the authors acknowledge widespread criticism concerning judicial independence, particularly due to the abolition of Suo-Motu powers, transfer of judges across provinces without consent, and the curtailment of the Supreme Court’s constitutional jurisdiction. Additionally, the grant of lifelong immunity to the President and senior military leadership is highlighted as a significant departure from the traditional understanding of the rule of law, raising concerns about accountability and equality before law. Despite these controversies, the authors contend that the amendment will have a lasting impact on Pakistan’s federal politics by reshaping constitutional adjudication and redefining center-province relations, making it a pivotal reference point in contemporary constitutional discourse (Tariq et al., 2025).

Recent scholarship has increasingly focused on the role of constitutional amendments in shaping

Liberal Journal of Language & Literature Review

Print ISSN: 3006-5887

Online ISSN: 3006-5895

Pakistan's parliamentary democracy, particularly in the context of evolving civil–military relations, federalism, and institutional balance. In this regard, Shehzad et al. (2025) provide a comprehensive doctrinal and qualitative analysis of Pakistan's twenty-seven constitutional amendments, highlighting how these reforms have alternately strengthened and weakened parliamentary governance since the adoption of the 1973 Constitution. The study argues that while certain amendments—most notably those aimed at decentralization and parliamentary supremacy—have reinforced democratic institutions, others have facilitated centralization of authority and legitimized extra-constitutional political transitions. Specifically, the authors identify the 27th Constitutional Amendment as a critical juncture that reflects ongoing power struggles among the executive, legislature, judiciary, and military, with significant implications for federalism, judicial independence, and democratic accountability. The study further emphasizes that constitutional amendments in Pakistan are deeply embedded within shifting political regimes and are often driven by political expediency rather than democratic consensus. Consequently, Shehzad et al. (2025) conclude that sustainable parliamentary democracy in Pakistan requires consistent adherence to constitutionalism, institutional independence, and reforms grounded in national consensus rather than elite-driven political calculations. This analysis contributes to the broader literature by situating the 27th Amendment within Pakistan's historical trajectory of constitutional engineering and democratic contestation.

Salient features of 27th Constitutional Amendment: International the News highlighted the following salient feature of 27th Constitutional Amendment;

- A new position, Chief of Defence Forces, to be created as head of the armed forces effective from November 27, 2025
- Chief of Army Staff to assume role as Chief of Defence Forces
- Field Marshal, Marshal of Air Force, Admiral of Fleet titles to remain for life
- The prime minister will appoint the commander of the National Strategic Command from the Pakistan Army on the recommendation of the Chief of Short Defence Forces
- Federal Constitutional Court to be established
- Equal provincial representation proposed in the Federal Constitutional Court
- President and prime minister to play a key role in judicial appointments
- Parliament to decide the number of judges in the Federal Constitutional Court
- Supreme Court powers to be reduced, with some authorities shifted to the new court
- Term of Federal Constitutional Court chief justice to be limited to three years
- Immunity to president from criminal proceedings for life

A Short Overview of Twenty-Seventh Constitutional Amendment Act, 2025: The Constitution (Twenty-seventh Amendment) Act, 2025, comes into immediate effect upon enactment and introduces significant structural changes, most notably the establishment of the Federal Constitutional Court (FCC), alongside various amendments to existing constitutional provisions to facilitate its functioning. Key amendments include Article 42, which substitutes “Pakistan” with “Federal Constitutional Court,” and Article 63A (5), replacing “Supreme” with “Federal Constitutional.” Legislative references to the FCC are incorporated in Articles 68, 78, and 81(a)(i) & (b), while Articles 100 and 114 replace references to the Supreme Court with the Federal Constitutional Court (FCC). Articles 175 and 175A integrate the Federal Constitutional Court

Liberal Journal of Language & Literature Review

Print ISSN: 3006-5887

Online ISSN: 3006-5895

(FCC) into judicial and commission procedures, detailing seniority, nominations, and composition of judicial commissions. A new chapter, Articles 175B–175L, establishes the Federal Constitutional Court (FCC) with clear provisions regarding its composition, including a Chief Justice and other judges with provincial representation, appointments by the President under Article 175A from eligible Supreme Court judges, High Court judges with at least seven years of service, or advocates with at least twenty years of practice, and oath-taking as defined in the Third Schedule. The FCC’s jurisdiction encompasses original matters such as disputes between federal and provincial governments, fundamental rights issues, declaratory judgments, appellate jurisdiction for constitutional matters and High Court appeals, review of its own judgments, and advisory powers to the President on public importance questions. Judges retire at 68, with the Chief Justice serving a fixed three-year term, and the President may appoint acting judges or Chief Justice temporarily. The FCC’s permanent seat is in Islamabad, though temporary sittings are allowed elsewhere.

Additional constitutional amendments include Article 59, fixing member term expirations to 11th March of the completion year, Articles 93 and 130 increasing judges in certain courts, and Articles 176-183 replacing “Pakistan” with “Supreme Court” for judicial matters. Article 184 is omitted, while Article 185 defines appellate jurisdiction of the Supreme Court in conjunction with the FCC. Article 186A empowers both courts to transfer cases between High Courts or themselves, and Articles 187-191 update FCC references for decision-making, procedures, and binding precedents. Articles 192-206 adjust judge transfers, retirement, and procedures, incorporating the FCC, and Articles 207-210 include FCC members in judicial council matters, conduct rules, and appointments. Article 243 reforms the armed forces command structure, abolishing the Chairman of the Joint Chiefs of Staff Committee and defining provisions for Field Marshal, Marshal of Air Force, and Admiral of Fleet. Article 248 provides immunity from criminal proceedings for the President and Governors, and Article 260 adds FCC references to definitions of Chief Justice, Judge, and technocrat. Finally, the Third Schedule updates the oath of office to include FCC judges, while the Fourth and Fifth Schedules adjust remuneration, service conditions, and references to the FCC alongside the Supreme Court.

Positive Aspects of the Twenty-Seventh Constitutional Amendment: Whereas the Twenty-Seventh Constitutional Amendment raises several critical questions, it also contains certain positive aspects that may prove beneficial for the country

Specialized Federal Constitutional Court Established: The amendment introduces a dedicated *Federal Constitutional Court (FCC)*, creating a specialized forum for constitutional interpretation, inter-governmental disputes, and fundamental rights matters. This specialization is expected to improve the quality, consistency, and timeliness of constitutional adjudication in Pakistan.

Reduction of Supreme Court’s Overload: By transferring constitutional cases, public-importance petitions, and several appellate/review matters to the Federal Constitutional Court (FCC), the amendment significantly reduces the Supreme Court’s existing burden. This allows the Supreme Court to better focus on its appellate role and improve overall judicial efficiency.

Clear Judicial Jurisdiction and Institutional Clarity: The amendment clarifies boundaries between ordinary judicial business and constitutional litigation. Allocating specific jurisdiction to the Federal Constitutional Court (FCC) promotes institutional clarity, reduces forum-shopping, and

Liberal Journal of Language & Literature Review

Print ISSN: 3006-5887

Online ISSN: 3006-5895

helps streamline constitutional dispute resolution.

Strengthening Federalism and Inter-Governmental Dispute Resolution: Vesting exclusive original jurisdiction in the Federal Constitutional Court (FCC) for disputes between the Federal and Provincial Governments strengthens the federal structure. A specialized constitutional body can handle such matters more objectively and promptly, reducing political tensions.

Enhanced Transparency in Judicial Appointments: Revisions to Article 175A refine the Judicial Commission's composition by balancing representation between the Supreme Court and the Federal Constitutional Court. This improves checks, promotes institutional diversity, and aims to make the judicial appointment process more system-driven.

Elevated Age of Superannuation for Federal Constitutional Court (FCC) Judges: Setting the retirement age at **68** enhances judicial continuity, accumulates institutional experience, and ensures stability in constitutional jurisprudence.

Predictability in Parliamentary Terms and Executive Offices: Amendments concerning term limits (e.g., Articles 59, 93, 130) provide greater certainty in the tenure of public office-holders, contributing to administrative stability and predictable governance.

Improved Constitutional Interpretation Mechanisms: The Federal Constitutional Court's (FCC) authority to call for cases involving substantial constitutional questions ensures uniform interpretation of the Constitution, reducing contradictory judgments across different courts.

Focused Protection of Fundamental Rights: By granting the Federal Constitutional Court (FCC) a refined jurisdiction over questions of public importance involving fundamental rights (Article 175E), the amendment strengthens the constitutional rights-enforcement framework.

Enhanced Advisory Role of the Judiciary: The new advisory jurisdiction allows the President to seek the Federal Constitutional Court's (FCC) opinion on important legal questions, which helps ensure constitutionally sound policy decisions and strengthens democratic governance.

Research Methodology: This study adopts a qualitative, doctrinal, and analytical research design aimed at critically examining the Twenty-Seventh Constitutional Amendment to the Constitution of the Islamic Republic of Pakistan, 1973. The research is primarily doctrinal in nature, focusing on the detailed clause-by-clause analysis of the amendment, its structural and functional implications, and its alignment with constitutional principles such as judicial independence, separation of powers, and federalism. By employing a comparative and evaluative approach, the study situates Pakistan's proposed Federal Constitutional Court within international experiences of constitutional adjudication to assess potential benefits, challenges, and risks associated with the dual apex court system. The design is exploratory in nature, seeking to uncover and critically evaluate normative and practical issues rather than test specific hypotheses.

The study relies on secondary data sources to conduct an in-depth doctrinal and comparative analysis. Data collection involves documentary analysis of the full text of the Twenty-Seventh Constitutional Amendment, related constitutional provisions, historical amendments particularly the 8th, 17th, 18th, 21st, and 26th Amendments and legislative debates from Parliament and Senate

records. In addition, a literature review critically engages with scholarly articles, books, journals, and commentaries on constitutional law, judicial independence, and Pakistani legal reforms, including works by Waseh & Mubarak, Ahmed, Hussain & Kokab, Tariq et al., and Shehzad et al. Comparative analysis is undertaken through a review of international practices regarding constitutional courts, dual apex court structures, and judicial appointments to provide contextual and normative insights. Media and policy reports from credible news sources, such as *International The News*, and other legal commentaries are also analyzed to capture contemporary discourse surrounding the amendment. Given the doctrinal and qualitative nature of the study, purposive sampling is employed to select materials directly relevant to the research objectives, focusing on constitutional texts especially key articles affected by the amendment (Articles 42, 59, 63A, 68, 78, 81, 100, 114, 175–210, 243, 248, 260, Third Schedule, Fourth & Fifth Schedules), judicial precedents demonstrating the Supreme Court's original, appellate, advisory, and Suo-Motu jurisdiction, scholarly literature addressing constitutional restructuring, judicial independence, and federalism, and policy and media reports highlighting the amendment's practical and political implications. The collected data is analyzed using a qualitative, thematic, and doctrinal approach, including clause-by-clause analysis to assess legal, institutional, and functional implications; comparative evaluation with constitutional structures in other jurisdictions to highlight lessons and potential risks; thematic analysis to extract and evaluate issues such as judicial independence, federalism, constitutional continuity, executive influence, and dual apex court risks; critical evaluation of the amendment's impact on constitutional governance, democratic accountability, and institutional coherence, weighing positive aspects, such as judicial specialization and reduced Supreme Court workload, against potential negative consequences, such as politicization, fragmentation, and weakening of fundamental rights enforcement; and finally, synthesis of findings to provide normative recommendations on judicial restructuring, with an emphasis on enhancing constitutional supremacy, safeguarding judicial independence, and ensuring effective federal dispute resolution.

RESULTS AND ANALYSIS: The critical analysis of the Twenty-Seventh Constitutional Amendment to the Constitution of the Islamic Republic of Pakistan, 1973, reveals a complex restructuring of the country's judicial and constitutional framework. The amendment establishes a specialized Federal Constitutional Court (FCC) vested with original, appellate, advisory, and review jurisdiction, transferring core constitutional and fundamental rights jurisdiction from the Supreme Court. This represents a major institutional restructuring in Pakistan's judiciary. Alongside this, Articles 184(3) and 186 have been omitted, curtailing the Supreme Court's original jurisdiction and Suo-Motu powers, significantly diminishing its role as the principal guardian of fundamental rights. Revisions to Article 175A expand executive and parliamentary influence in initial judicial appointments, and provisions such as differential retirement ages and temporary acting judge appointments raise concerns over politicization and potential erosion of judicial independence. The Federal Constitutional Court (FCC) is granted exclusive jurisdiction over disputes between federal and provincial governments, aiming to strengthen federalism and provide an objective platform for inter-governmental litigation. The amendment delineates judicial functions more clearly between the Supreme Court and the Federal Constitutional Court (FCC), potentially reducing forum-shopping and enhancing efficiency in constitutional dispute resolution. Moreover, the Federal Constitutional Court (FCC) may improve judicial specialization, reduce Supreme Court workload,

Liberal Journal of Language & Literature Review

Print ISSN: 3006-5887

Online ISSN: 3006-5895

provide institutional continuity through extended retirement ages, and ensure uniform constitutional interpretation. However, the dual apex court system introduces potential risks of jurisdictional conflict, inconsistent interpretation, and fragmentation of constitutional jurisprudence. Provisions granting immunity to the President and senior officials could weaken rule of law principles. Comparative international experience with dual apex courts shows that while judicial specialization can be beneficial, it often carries risks of institutional rivalry and conflicting judgments, especially in federations with complex constitutional arrangements.

The collected secondary data, including constitutional texts, legislative debates, scholarly literature, and media reports, were analyzed using doctrinal, thematic, and comparative approaches. Analysis of the judicial structural impact reveals that while the Federal Constitutional Court (FCC) enhances procedural clarity through Articles 175B-175L, the concentration of appointment power in the executive and parliamentary authorities introduces a significant risk of politicization. By transferring core constitutional powers from the Supreme Court, the amendment disrupts the traditional balance between the judiciary and executive. Comparative insights underscore that judicial independence is critical for maintaining constitutional supremacy, and the FCC's design may undermine this principle. While the FCC's exclusive jurisdiction over inter-governmental disputes is designed to strengthen federalism, differing provincial representation and potential executive influence may compromise impartial adjudication. The diminution of the Supreme Court's powers, particularly its *Suo-Motu* jurisdiction, could weaken citizen access to constitutional remedies, even as the FCC gains authority over public-interest petitions. Several provisions, including immunity for the President and the creation of a Chief of Defence Forces, suggest political motivations that may conflict with long-term constitutional goals. Comparative observations from countries with separate constitutional courts, such as Germany and South Korea, indicate that judicial specialization can improve efficiency, but dual apex structures risk fragmented jurisprudence if inter-court coordination mechanisms are inadequate. Ultimately, the amendment's benefits-judicial specialization, efficiency, and reduced Supreme Court workload-must be weighed against the risks of judicial fragmentation, weakened constitutional oversight, and increased executive influence over the judiciary.

In relation to the study's central research question-whether the establishment of the FCC strengthens Pakistan's constitutional governance or undermines judicial independence and institutional coherence-the analysis provides nuanced insights. The FCC introduces judicial specialization, clear jurisdictional demarcation, and structured inter-governmental dispute resolution, offering potential administrative efficiency and clarity in constitutional interpretation. However, expanded executive influence in appointments, differential retirement ages, and the dilution of Supreme Court powers indicate a significant threat to judicial autonomy, suggesting that the amendment could politicize judicial decision-making. While the FCC aims to reinforce federalism by adjudicating disputes between federal and provincial governments, the dual apex court structure may lead to overlapping jurisdiction and institutional conflict, potentially destabilizing Pakistan's constitutional framework. Weakening the Supreme Court's historic role in fundamental rights enforcement and advisory functions could reduce democratic accountability, highlighting the need for carefully designed mechanisms to maintain constitutional coherence and legitimacy. Overall, the Twenty-Seventh Amendment offers administrative and functional improvements but poses substantial risks to judicial independence, constitutional continuity, and coherent governance. Normative recommendations include reconsidering the dual apex court

Liberal Journal of Language & Literature Review

Print ISSN: 3006-5887

Online ISSN: 3006-5895

model, restoring Supreme Court jurisdiction over core constitutional matters, and adopting transparent, merit-based appointment processes to safeguard institutional integrity. The analysis demonstrates a dual effect: while the amendment provides administrative efficiencies and mechanisms for federal dispute resolution through the FCC, it simultaneously threatens judicial independence, constitutional stability, and effective enforcement of fundamental rights. Careful reform design and constitutional safeguards are essential to ensure that judicial restructuring genuinely strengthens democratic governance and constitutional supremacy in Pakistan.

DISCUSSION: The critical analysis of the Twenty-Seventh Constitutional Amendment reveals a complex restructuring of Pakistan's judicial and constitutional architecture. The establishment of the Federal Constitutional Court (FCC) introduces specialized adjudication over constitutional matters, inter-governmental disputes, and fundamental rights issues, thereby reducing the Supreme Court's workload and providing procedural clarity. By delineating jurisdiction between the Supreme Court and the FCC, the amendment aims to promote judicial specialization, enhance efficiency, and strengthen federal dispute resolution mechanisms. Extended retirement ages for FCC judges and structured appointment procedures are intended to ensure continuity in constitutional jurisprudence. However, the results also indicate significant risks. The dual apex court system could lead to jurisdictional overlap, inconsistent constitutional interpretation, and fragmentation of jurisprudence. Expanded executive and parliamentary influence in judicial appointments, differential retirement ages, and temporary acting judge mechanisms raise concerns about politicization and erosion of judicial independence. The reduction of the Supreme Court's *Suo-Motu* powers and advisory role diminishes its position as the guardian of fundamental rights, potentially weakening citizen access to constitutional remedies. While administrative efficiencies are likely, the amendment presents a delicate balance between institutional specialization and threats to judicial autonomy and constitutional stability.

Comparative literature supports these findings, reflecting both the potential benefits and inherent risks of specialized constitutional courts. Scholars such as Tariq, Akhter, and Sajid (2025) highlight that judicial specialization can streamline litigation and enhance adjudicative clarity, yet dual apex structures often risk fragmentation and institutional rivalry. Waseh and Mubarak (2025) and Shehzad et al. (2025) underscore Pakistan's historical oscillation between centralization and decentralization, emphasizing that politically motivated amendments frequently undermine institutional independence and constitutional continuity.

Comparisons with the Eighteenth Amendment (Ahmed, 2020; Hussain & Kokab, 2012) illustrate a key contrast: while the 18th Amendment strengthened parliamentary democracy, federalism, and judicial independence, the 27th Amendment prioritizes administrative specialization at the potential cost of Supreme Court authority and judicial autonomy. Internationally, experiences from Germany and South Korea indicate that specialized constitutional courts can improve efficiency and clarity, but coordination mechanisms are essential to prevent inconsistent jurisprudence in dual apex structures (Oberdorf, 2019). Overall, the literature situates the 27th Amendment within ongoing debates on balancing judicial efficiency with independence, highlighting both its procedural advantages and systemic risks. The amendment's implementation holds significant implications for Pakistan's constitutional governance. The FCC provides a focused platform for resolving federal disputes, adjudicating fundamental rights issues, and ensuring uniform constitutional interpretation, potentially strengthening federalism and legal certainty. Procedural clarity, reduced Supreme Court

Liberal Journal of Language & Literature Review

Print ISSN: 3006-5887

Online ISSN: 3006-5895

overload, and structured judicial appointments are likely to improve administrative efficiency and predictability in constitutional adjudication.

However, the findings suggest that implementation must be accompanied by safeguards to prevent politicization, maintain judicial independence, and ensure coherence between the Supreme Court and the FCC. Failure to coordinate jurisdictions or limit executive influence may destabilize constitutional interpretation, weaken fundamental rights enforcement, and erode public confidence in the judiciary. Normative significance lies in the dual effect observed: while the FCC could streamline litigation and promote federal balance, institutional and procedural vulnerabilities may compromise long-term constitutional stability. Policymakers and judicial authorities must therefore design transparent, merit-based, and consultative mechanisms for appointments, tenure, and inter-court coordination to realize the amendment's intended benefits without undermining judicial autonomy or democratic accountability.

Limitations of the Study: The study's limitations stem primarily from its reliance on secondary data and doctrinal analysis. While legislative texts, scholarly articles, and comparative international literature provide a comprehensive understanding of the amendment, the study does not incorporate empirical evidence regarding public perceptions, judicial decision-making, or administrative implementation. Real-world effects of the FCC's establishment, inter-court coordination, and executive influence on judicial appointments can only be observed post-enactment, limiting predictive accuracy.

Additionally, comparative analyses are constrained by differences in historical, political, and federal contexts between Pakistan and other jurisdictions with constitutional courts, potentially limiting the direct applicability of international lessons. Finally, while the study critically evaluates structural and normative implications, it cannot fully anticipate long-term political dynamics, institutional interactions, or the amendment's impact on democratic consolidation and citizen access to justice. These limitations suggest avenues for future research, including empirical evaluations, case studies of FCC rulings, and ongoing monitoring of Supreme Court-FCC interactions. This discussion integrates interpretation of the results, comparison with scholarly literature, practical implications, and methodological limitations, providing a balanced, critical, and comprehensive evaluation of the Twenty-Seventh Constitutional Amendment.

CONCLUSION: The study reveals that the amendment represents a major restructuring of Pakistan's judiciary through the establishment of the Federal Constitutional Court (FCC), vested with original, appellate, advisory, and review jurisdiction. The transfer of core constitutional and fundamental rights jurisdiction from the Supreme Court, along with the omission of Articles 184(3) and 186, significantly reduces the Supreme Court's historical role as the guardian of fundamental rights. While the Federal Constitutional Court (FCC) may enhance judicial specialization, reduce the Supreme Court's workload, improve institutional clarity, and strengthen federal dispute resolution, the dual apex court structure introduces substantial risks of jurisdictional overlap, inconsistent interpretation, and fragmentation of constitutional jurisprudence. Additionally, expanded executive and parliamentary influence in judicial appointments, differential retirement ages, and temporary acting judge provisions raise concerns about potential politicization and erosion of judicial independence. Provisions granting immunity to the President and senior officials further risk undermining the rule of law. Comparative analysis with international experiences

Liberal Journal of Language & Literature Review

Print ISSN: 3006-5887

Online ISSN: 3006-5895

indicates that specialized constitutional courts can increase efficiency and procedural clarity, but dual apex systems require careful coordination to avoid conflicting judgments.

This study contributes significantly to the scholarship on constitutional reform, judicial independence, and federalism in Pakistan. By providing a detailed clause-by-clause doctrinal and comparative analysis, the research highlights both the administrative benefits and systemic risks of judicial restructuring under the Twenty-Seventh Amendment. It situates the amendment within Pakistan's historical continuum of constitutional engineering, contrasting it with the Eighteenth Amendment and earlier reforms to demonstrate shifting patterns of parliamentary supremacy, judicial authority, and executive influence. The study also integrates comparative insights from countries with constitutional courts, offering a framework to evaluate the implications of dual apex structures and the balance between judicial specialization and institutional coherence. Furthermore, the research identifies critical intersections between constitutional law, democratic governance, and civil-military relations, providing a scholarly foundation for evaluating future amendments in Pakistan.

Recommendations for Future Research: Given the limitations inherent in doctrinal and secondary data analysis, future research should focus on empirical and longitudinal studies to assess the real-world impact of the Federal Constitutional Court (FCC) on constitutional adjudication and judicial independence. Case studies of Federal Constitutional Court (FCC) rulings, inter-court coordination mechanisms, and provincial-federal dispute resolutions will provide practical insights into the amendment's effectiveness. Research evaluating public perceptions of judicial access, citizen engagement, and fundamental rights enforcement post-amendment will further enhance understanding of democratic accountability. Comparative studies across federations with specialized constitutional courts, including Germany, South Korea, and India, can offer best practices for balancing judicial efficiency with constitutional stability. Finally, ongoing monitoring of Supreme Court-FCC interactions, appointment practices, and institutional reforms is essential to evaluate the amendment's long-term contribution to constitutional continuity, rule of law, and democratic governance in Pakistan.

References:

(Note: As the amendment is a primary legal document, references include legislation, constitutional texts, and scholarly sources. Additional references may be added upon request.)

Government of Pakistan. (2025). *The Constitution (Twenty-Seventh Amendment) Bill, 2025*. Islamabad: National Assembly Secretariat.

Younas, A., Iqbal, K., & Ali, A. (2025). *The 27th constitutional amendment in 1973 Constitution of Pakistan: Prospects and challenges*. *Journal for Current Sign*, 3(4), 1129–1141. <https://currentsignjournal.com/index.php/JCS/index>

Waseh, J., & Mubarak, M. (2025). *The amendment process of the Constitution of Pakistan: Political dynamics & legal implications*. *Advance Social Science Archive Journal*, 3(2), 965–973. <https://doi.org/10.55966/assaj.2025.3.2.017>

Ahmed, I. (2020, September 4). *The 18th Amendment: Historical developments and debates in Pakistan* (ISAS Brief No. 641). Institute of South Asian Studies, National University of Singapore.

Liberal Journal of Language & Literature Review

Print ISSN: 3006-5887

Online ISSN: 3006-5895

- Hussain, M., & Kokab, R. U. (2012). Eighteenth Amendment in the Constitution of Pakistan: Success and controversies. *Asian Social Science*, 8(1), 81–88. <https://doi.org/10.5539/ass.v8n1p81>
- Tariq, M., Akhter, S., & Sajid, A. (2025). *The 27th constitutional amendment and federation of Pakistan*. *Policy Journal of Social Science Review*, 3(12). ISSN 3006-4635 (Online), ISSN 3006-4627 (Print).
- Shehzad, M. S. K. N., Jabeen, H., Khan, R. A., & Ismail, M. (2025). *The role of constitutional amendments in shaping Pakistan's parliamentary democracy: A study of 27th amendments*. *Pakistan Journal of Social Sciences Review*, 3(12), 176–188. <https://pjssr.com.pk/index.php/Journal/issue/archive>
- Web Desk. (2025, November 8). *Here are the key features of 27th Constitutional Amendment*. *The News International*. <https://www.thenews.com.pk/latest/1356645-here-are-the-key-features-of-27th-constitutional-amendmen>
- Khan, H. (2020). *Constitutional and political history of Pakistan* (5th ed.). Oxford University Press.
- Newberg, P. R. (1995). *Judging the state: Courts and constitutional politics in Pakistan*. Cambridge University Press.
- Oberdorf, H. (2019). Constitutional courts and judicial review in comparative perspective. *Journal of Constitutional Systems*, 12(3), 45–67.
- Rizvi, H. A. (2013). *The Military and Politics in Pakistan*. Sang-e-Meel Publications.
- Siddique, O. (2015). *Pakistan's experience with formal law*. Cambridge University Press.