

21. SUCCESSIVE CONSTITUTIONAL AMENDMENTS

In Pakistan, all the Constitutional Amendments, from 1973 till to date, have been carried out FOR THE BENEFITS OF TWO ROGUE FAMILIES; SHARIFS & BHUTTOS.

Seldom was any amendment passed for the ACTUAL WELFARE OF THE GENERAL POPULACE OR for the DEVELOPMENT OF THE COUNTRY'S ECONOMY OR RAISING THE GDP PROGRESSIVE OR TO MAKE THE COUNTRY DISTINGUISHED amongst other global nations.

The Constitution of the Islamic Republic of Pakistan, enacted in 1973, has undergone 27 amendments till today [mid-2026], mainly addressing Federal Governments' Powers, Islamic Provisions, and judicial structures ***mostly concentrating on JUDGES of High Courts / Supreme Court***, using some particular persons for their own political ends.

- *In below paragraphs, a brief analysis of each AMENDMENT has been placed. One can see that every ruler / PM / President, civilian or from Pak-Army, tried to bend the Constitution of Pakistan **as per his own need & suitability***
- *TO SAVE HIS GOVERNMENT mainly through **MEAN-DERING THE SUPREME JUDICIARY AND ITS JUDGES**. Different tricks were used by the TWO Dynastic Family-Politicians by twisting nose of the Supreme Court CJs in various times.*

- **1st Amendment (May 1974):** Redefined the boundaries of Pakistan and removed references to East Pakistan.
- **2nd Amendment (September 1974):** Declared **Ahmadis** as non-Muslims and part of a minority group.

[On 7th September 1974; the decision came under intense pressure from domestic religious groups, clerics, and opposition religious political parties, backed by widespread street agitation following clashes at Rabwah station, as well as diplomatic pressure from external figures like Saudi King Faisal.

*Organizations like Majlis-e-Ahrar-e-Islam, Jamaat-e-Islami, and the Aalimi Majlis Tahaffuz Khatm-e-Nubuwwat spearheaded an aggressive nationwide campaign after clashes at **Rabwah** in May 1974 which had catalyzed severe anti-Ahmadi riots across Punjab.*

Under Prime Minister Zulfikar Ali Bhutto, the National Assembly was converted into a special committee to deliberate the issue, leading to a unanimous constitutional vote influenced heavily by religious leaders inside and outside the assembly; Mufti Mahmood - Father of JUI's Fazl ur Rehman - was key-leader of the said campaign.]

- **3rd Amendment (February 1975):** Extended the duration of preventive detention powers.
- **4th Amendment (November 1975):** Allocated additional seats for minorities in assemblies.

- **5th Amendment (September 1976):** Widened restrictions and adjusted terms of retirements for High Court judges.
*[Z A Bhutto's government had sought **to limit the extensive writ jurisdiction of High Courts regarding fundamental rights, reducing the judiciary's capacity to block executive actions**. It also introduced a 4-year term limit for High Court Chief Justices unless they hit the retirement age sooner.]*
- **6th Amendment (December 1976):** Fixed retirement ages for the Chief Justice (65) and High Court judges (62).
*[The primary political cause and rationale behind the Sixth Amendment was to allow certain favored chief justices; **most notably the then-CJP, J Yaquub Ali** - to complete their fixed 5-year tenure even after reaching the standard superannuation age.]*
- **7th Amendment (May 1977):** Empowered the Prime Minister to seek a vote of confidence.
*[The 7th Amendment, passed on 16th May 1977, introduced a provision allowing Prime Minister Bhutto to seek a direct public vote of confidence through a national referendum. **The rationale was political survival amid severe street protests and rejection of the 1977 election results** by the opposition Pakistan National Alliance (PNA); Bhutto sought to bypass parliamentary deadlock and legitimize his rule via direct popular mandate.*
*Amid growing chaos, strikes, and calls for his resignation, Bhutto's government lost political stability. **The 7th Amendment added Article 96-A**, empowering the Prime Minister to order a national referendum to*

*demonstrate direct public backing – BUT **the trick didn't work, street protests continued till Gen Zia's Martial Law day, the 5th July 1977.***

- **8th Amendment (November 1985):** Shifted the political system toward a semi-presidential model and expanded presidential powers under Gen Zia-ul-Haq.

*[Its core **rationale was to let Gen Zia retain ultimate political control, protect martial law actions, and create a constitutional check on elected prime ministers.***

*Public and political pressure via the Movement for Restoration of Democracy (MRD) forced the military regime to hold non-party elections in 1985. Also, the military feared absolute civilian rule and wanted a corruption-free structural counterweight in the system; that's why **Presidential Dominance was kept by inserting Article 58(2)(b)** which gave the President unilateral discretionary power to dismiss the Prime Minister and dissolve the National Assembly. This Amendment also validated Gen Zia's continuation as President for an additional five-year term.]*

- **9th Amendment (1985 - Not fully enacted / lapsed):** It was proposed making Shariah law the supreme law of the land.

[The 9th Amendment Bill of Pakistan lapsed because the National Assembly was dissolved before the committee could present its report. Thus a final vote couldn't take place.]

- **10th Amendment (March 1987):** Set minimum intervals between National Assembly sessions.

[Enacted on 29th March 1987 under President Gen Zia, the said amendment reduced the maximum allowable gap between sessions of the National Assembly from 60 to 30 days, and for the Senate from 160 to 130 days. The rationale was to ensure more frequent parliamentary meetings during the transition to civilian rule.]

- **11th Amendment (1989 – Withdrawn / Lapsed):** Addressed women's reserved seats.

[The bill was introduced in the Senate on 31st August 1989, by private senators Muhammad Ali Khan, Noor Jehan Panezai, and Syed Faseih Iqbal.

*It sought **to restore 20 reserved seats for women in the National Assembly**, which had lapsed following the expiry of constitutional provisions from the 1985 Zia-era framework. The private members agreed to withdraw the bill on 23rd August 1992.]*

- **12th Amendment (July 1991):** Set up speedy trial courts for heinous crimes for three years.

*[This Amendment, passed on 28th July 1991, under PM Nawaz Sharif, **aimed to establish Special Courts for Speedy Trials to handle heinous offenses and terrorism** amid a sharp rise in violent crime.*

*Regular judicial procedures were viewed by the government as too slow or cumbersome to cope with the dramatic escalation in lawlessness and terror – **BUT still, after 36 years, Pakistanis are sailing in the same OLD boat.***

*Article 212-B was added to the constitution specifically **for a limited duration of three years (expiring in***

July 1994) to tackle the crisis. NOT KNOWN why it was introduced for ONLY 3 YEARS.]

- **13th Amendment (April 1997):** Stripped the President of powers to dissolve the National Assembly.
[*This Amendment, passed unanimously in April 1997 by PMLN government, aimed to strip the President of the discretionary power to dissolve the National Assembly by removing Article 58(2)(b), and preventing presidents from prematurely dismissing elected prime ministers. This Amendment had also abolished Article 112(2)(b), blocking governors from dismissing provincial assemblies independently.*

- ***It had also stripped the President of sole discretion in appointing provincial governors and military service chiefs.***

Pakistani Presidents used this power to dissolve assemblies and sack civilian governments multiple times during the late 1980s and 1990s affecting PM Junejo, Benazir Bhutto and Nawaz Sharif twice; pure parliamentary democracy was back in Pakistan.]

- **14th Amendment (July 1997):** Introduced strict anti-defection rules for parliamentarians.
[Passed by PMLN government, the 14th Amendment introduced Article 63-A to enforce strict party discipline. **Its stated rationale was to end political floor-crossing, defection, and 'horse-trading' – BUT in practice, it concentrated immense power in party heads**, ending internal dissent and parliamentary

checks and balances; **IN FACT GIVING WAY TO DYNASTIC FAMILIES TO RULE.**

- In reality, it was a move for **Consolidation of Power in TWO FAMILIES** - paired with the 13th Amendment, this 14th Amendment made **party heads; especially the Prime Ministers, virtually unaccountable.** By muting internal party dissent, it removed meaningful parliamentary oversight and contributed to political friction that preceded the 1999 military takeover.]
- **15th Amendment (1998 - Lapsed):** Proposed supreme legal status for Islamic ordinances.
[*The proposed 15th Amendment (**the Shariat Bill** of 1998) passed the National Assembly under PMLN government. However, it lapsed because it **never passed the Senate**, failing to secure the mandatory two-thirds majority in both houses of parliament. Moreover, **the opposition parties, legal experts, and civil society strongly resisted the bill.**]*
- **16th Amendment (August 1999):** Increased the quota duration for federal and civil services.
[*The said Amendment, passed in August 1999 during PMLN government, extended the validity and continuity of the federal and regional job quota system in public services from 20 years to 40 years. The original 1973 Constitution protected citizens against discrimination in public services under Article 27, with reserve posts for disadvantaged or under-represented regions. In 1999, **Second Extension made to 40 Years.**]*

- **17th Amendment (December 2003):** Validated Gen Pervez Musharraf's Legal Framework Order (LFO) and adjusted dual office provisions.
- **18th Amendment (April 2010):** Revoked presidential powers, devolved authority to provinces, and renamed North-West Frontier Province as Khyber PK.

[Passed unanimously in April 2010, Pakistan's 18th Amendment was enacted to reverse presidential powers inserted by Gen Musharraf's LFO, and grant extensive legislative and financial autonomy to the provinces. The 18th Amendment made the Presidential office largely ceremonial. It formally nullified the Legal Framework Orders (LFO) and repealed the 17th Amendment.

*This amendment also **abolished the Concurrent List**, meaning subjects like education, health, labour, and environmental planning were completely devolved from federal control to local provincial assemblies, enabling regional self-governance. Under the head **Resource Distribution**, it went hand-in-hand with a revised **National Finance Commission (NFC) Award**, shifting the revenue-sharing formula using the 'POPULATION GROWTH' as fulcrum; people can see their achievements in SIXTEEN years till today.*

This amendment also redesigned the appointment process for superior court judges via a joint Judicial Commission and Parliamentary Committee to limit individual executive discretion. One can see how better, Pakistan's judiciary has gone.

Also, this amendment officially renamed the North-West Frontier Province (NWFP) to Khyber Pakhtunkhwa (KP), honoring the long-standing ethnic and cultural identity demands of the region's population.]

- **19th Amendment (January 2011):** Resolved judicial observations regarding the appointment of judges under the 18th Amendment.

[The 19th Amendment, passed unanimously by the Senate and with a vast majority in the National Assembly in December 2010; primarily it was to resolve institutional friction and legal ambiguities arising from the 18th Amendment regarding the appointment of superior court judges.

The 18th Amendment gave a special parliamentary committee a strong role in picking superior court judges, which the Supreme Court viewed as a potential threat to judicial independence. Thus, the Supreme Court suggested adjustments to safeguard judicial discretion. The 19th Amendment incorporated those recommendations to prevent a direct clash between parliament and the judiciary.

Through this Amendment, the number of senior Supreme Court judges on the Judicial Commission of Pakistan (JCP) are increased - from two to four. It also formally included the Prime Minister in the administrative process of forwarding confirmed nominations to the President.]

- **20th Amendment (February 2012):** Established transparent procedures for free elections and caretaker setups.

*[Passed in February 2012, this Amendment was enacted **to ensure free and fair elections**, legally protect 28 lawmakers whose seats were suspended by the Supreme Court, and establish an independent, fully empowered Election Commission of Pakistan (ECP) with a clear roadmap for just interim governments.*

*The Supreme Court [SCP] had **questioned the legal status of 28 legislators elected in by-elections** held after the 18th Amendment. The 20th Amendment provided vital legal cover to validate those by-elections and restore the suspended members.*

*To prevent unilateral or controversial **appointments of interim prime ministers** and chief ministers (avoiding past practices of 'imported' caretaker setups), the amendment instituted a binding consultative process.]*

- **21st Amendment (January 2015):** Enabled the creation of temporary military courts for terrorism-related trials.

*[The 21st Amendment was passed in January 2015, established **speedy-trial military courts to prosecute individuals accused of terrorism-related offenses**. Its rationale was responding to an extraordinary national security crisis triggered by **the devastating 16th December 2014 terrorist attack on the Army Public School in Peshawar [APS] in which 143 children and 11 teachers were brutally butchered.***

The ruthless slaughter of school children created immense public and political pressure for drastic, immediate action against militant groups like the Tehreek-e-Taliban Pakistan (TTP). Every citizen knew that civilian

anti-terrorism courts were slow, compromised, and vulnerable to intimidation, leading to a low conviction rate for dangerous militants.

Through this Amendment, the state justified bypassing normal judicial procedures by declaring an unprecedented state of war and threat to national integrity, requiring military-led trials.]

BUT surprisingly, the amendment included a strict two-year sunset clause, meaning the military courts would automatically expire unless renewed.

Critics and money-making legal experts argued that trying civilians in military courts undermined civilian supremacy and the independence of the judiciary.

It's normal routine in Pakistan. Legal Experts will never suggest that Parliamentarians should bring NEW Code of TRIAL PROCEDURES. They never comment that why Pakistan's Judiciary is at 197th out of 199 global countries. Nor the Amnesty International and torch bearers of HUMAN RIGHTS will comment that why they failed in Ghaza, Syria and Lebanon to hold Israel responsible for HENIOUS WAR CRIMES.

- **22nd Amendment (June 2016):** Altered qualifications and criteria for members of the Election Commission of Pakistan. [*The 22nd Amendment was introduced to expand the eligibility criteria for the Chief Election Commissioner (CEC) and members of the Election Commission of Pakistan (ECP), allowing retired senior bureaucrats and technocrats to qualify alongside judges. The PMLN had*

in their minds names of many BUREAUCRATS from which one Sikandar Raja was later selected.]

- **23rd Amendment (April 2017):** Re-established military courts for an additional two years.
[This Amendment was enacted primarily to extend the operational mandate of military courts for an additional two years, until 6th January 2019. Its core rationale was to provide continued legal cover for the speedy trial of civilians accused of terrorism-related offenses.]
- **24th Amendment (December 2017):** Reallocated National Assembly seats based on provisional 2017 Census results.
*[The 24th Amendment was passed to allow the temporary **use of provisional 2017 Census results for re-allocating National Assembly seats ahead of the 2018 general elections** without delaying the electoral timeline. The previous seat allocations in the National Assembly were still bound to the old 1998 census data, making demographic representation obsolete nearly two decades later – so it was a necessary step.]*
- **25th Amendment (May 2018):** Merged the Federally Administered Tribal Areas (FATA) into Khyber Pakhtunkhwa.
*[The 25th Amendment was enacted to merge the semi-autonomous Federally Administered Tribal Areas (FATA) with the Khyber PK province. **The core rationale was to dismantle colonial-era legal isolation, extend constitutional fundamental rights to tribal residents, and counter militancy through administrative mainstreaming.***

Thus, this Amendment repealed the British-era Frontier Crimes Regulation (FCR) of 1901, which had denied

tribal citizens basic legal recourse and subjected communities to collective punishment; extended the jurisdiction of the Supreme Court of Pakistan and the Peshawar High Court to the tribal districts, ensuring equal legal protection.]

- **26th Amendment (October 2024):** Capped the Chief Justice of Pakistan's tenure to three years and instituted formal Constitutional Benches.

*[The 26th Amendment was officially rationalized by the ruling coalition under PM Shehbaz Sharif as a measure to ensure **parliamentary supremacy and curb judicial overreach**, and creating specialized constitutional benches.*

*The Civil Society at large, however, viewed it as **a political move by the PMLN + PPP Dynasties to weaken judicial independence** following a string of rulings unfavorable to the government.*

*The fast-tracked legislation followed high-profile Supreme Court decisions favouring the opposition, leading observers to describe the bill as **EXECUTIVE RETALIATION**.*

Through this Amendment they altered the Judicial Commission of Pakistan (JCP) by increasing the number of political and legislative members, turning judicial members into a minority. Also, the amendment restricted the CJP's unilateral suo motu powers by requiring approval from a multi-member bench panel, reducing the administrative power of the top office.]

- **27th Amendment (November 2025):** Established the framework for a **Federal Constitutional Court** and addressed specific military/presidential protective provisions.

[The 27th Amendment was officially rationalized by the ruling coalition, (PMLN + PPP being major partners & beneficiaries) as a necessary package of reforms to improve national governance, streamline military coordination, and address structural friction within the judicial and federal systems.

*By creating a parallel constitutional court and granting powers to transfer high court judges without consent, the amendment is seen as an effort to dilute the Supreme Court's authority and create a more compliant judicial branch. **In fact, the swift and contentious passage of the law was driven by the political leadership's desire to shield top civilian & military-men from legal challenges or accountability.***

*See a PRESS RELEASE from **The International Commission of Jurists** [ICJ] dated 13th November 2025; available at <https://www.icj.org/pakistan> in which Santiago Canton, ICJ's Secretary-General, said:*

*"The 27th amendment in Pakistan **is a flagrant** attack on the independence of the judiciary and the rule of law. The changes made to the judicial system in the said amendment are alarming and disturbing."*