PTI’s Perspective on the 26th Constitutional Amendment

This brief summarizes Pakistan Tehreek-e-Insaf’s (PTI) critique of the 26th Amendment, focusing on judicial independence, separation of powers, and political influence. Examples from recent judicial and political events are highlighted to illustrate PTI’s position.

# Judicial Selection & Global Comparison

The Amendment gave a parliamentary committee control over appointing the Chief Justice. In 2024, Justice Yahya Afridi became CJP through this process, bypassing senior judges (Reuters, Oct 2024). PTI argues this mirrors the U.S. or UK model superficially, but without safeguards like open hearings or bipartisan consensus, it risks political capture.

# Loss of Suo Motu Powers

Curbing suo motu powers weakened the judiciary’s ability to check executive overreach. For instance, public interest cases on missing persons and election delays were stalled after the change (Dawn, 2024). PTI views this as silencing the judiciary’s watchdog role.

# Political Influence in Appointments

The break from the seniority principle triggered lawyer protests nationwide. Civil society warned that judicial leadership now reflects ruling party interests (Tribune, Jan 2025). PTI frames this as a direct threat to independence.

# Performance Reviews of Judges

The vague standard of ‘inefficiency’ allows parliament to intimidate judges. In late 2024, several judges faced scrutiny under this clause, drawing condemnation from the International Commission of Jurists (ICJ, 2024).

# Separation of Powers & Judicial Commission

By altering commission composition, parliament gained decisive sway. This has led to disputes between courts and registrars, delaying major cases like the 2024 election petitions (Pakistan Today, 2025).

# Case Backlogs & Benches

New bench rules forced redistribution of thousands of pending cases. High Courts in Punjab and Sindh reported a backlog surge, worsening public frustration (Nukta, 2025).

# Erosion of Social Trust

Lawyers’ associations boycotted proceedings in protest of the Amendment. Public polls showed declining trust in courts’ neutrality (Dawn, Dec 2024).

# Impact on Rule of Law

The ICJ called the 26th Amendment a ‘blow to judicial independence’. PTI stresses that parliamentary dominance risks selective justice and undermines the rule of law.

# Conclusion

PTI argues the 26th Amendment politicizes appointments, reduces judicial independence, and erodes public confidence. Real incidents—such as Justice Afridi’s appointment, protests by lawyers, stalled suo motu cases, and rising backlogs—serve as evidence that the amendment undermines both the rule of law and separation of powers.