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Constitutional Crisis Looms as Ex-CJP Challenges PM Over Military Court Appeals

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Former Chief Justice of Pakistan (CJP) Jawwad S. Khawaja has escalated a legal confrontation with Prime Minister Shehbaz Sharif's government, filing a contempt petition in the Supreme Court (SC) for failing to implement a May 7 verdict granting civilians convicted in military courts the right to high court appeals. The petition alleges deliberate non-

compliance with the 45-day legislative deadline, marking a critical test of civilian oversight over military justice systems.

The legal challenge strikes at Pakistan's enduring civil-military balance dilemma. The SC's original ruling had mandated amendments to the Pakistan Army Act (PAA) to align court-martial procedures with constitutional protections under Articles 10-A (right to fair trial) and 25 (equality before law). Legal experts note the government's inaction creates a dangerous precedent. "When the highest court's orders are ignored, it erodes judicial authority and democratic accountability," contends constitutional lawyer Barrister Ahmed Pansota.



The petition's timing proves politically charged, filed as the government navigates sensitive security challenges. While military courts were established to expedite terrorism cases, critics argue their opaque procedures risk miscarriages of justice. Over 200 civilians remain convicted without standard appellate rights, a practice the SC deemed unconstitutional. The government's hesitation suggests institutional tensions, with the defense establishment historically resisting civilian judicial oversight of military matters.

This standoff presents a defining moment for Pakistan's rule of law. Either the SC must enforce its authority through contempt proceedings potentially triggering a constitutional crisis or risk emboldening future executive overreach. As the judiciary's independence faces mounting pressures, this case may determine whether Pakistan's legal system can uphold fundamental rights against entrenched power structures. The coming weeks will reveal whether constitutional principles or institutional inertia prevail.