

# How do Constitutional Changes affect the balance of power in democratic governments?

## A. Introduction

Indeed constitutional changes affect the balance of power in various way in a democratic form of government including ; by altering check and balance systems; by reshaping separation of power and by amending the rights of citizen.

## B Debunking the concept of 'balance of power' and 'constitutional changes'

## C Ways by which constitutional changes affect the balance of power by altering check and balance systems;

i - Strengthening Executive and Legislative check on Judicial powers :

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a. 26<sup>th</sup> Amendment in the Constitution of Pakistan, 1973.

b. Use of constitutional amendments as a tool to usurp excessive powers of judiciary.

ii - Strengthening Check of Judiciary over Executive and Legislature

a. Establishment of "Judicial Review" after "Marbury v. Madison"

b. Interpretation of constitution to ensure balance of power and independence of judiciary.

iii - Strengthening Executive by shifting forms of governments via constitutional changes;

a. Turkey's 2017 referendum

b. Changing from parliamentary to presidential system, reduce checks over president, thus empowering executive.

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iv- Establishing a sovereign parliament  
thus empowering legislature:

a. Constitution of South Africa Post-Apartheid (1996)

b. Empowering parliamentary democracy  
via constitutional changes to ensure  
representation.

D Ways by which constitutional changes  
affect the balance of power by  
reshaping the separation of power

i- Using constitutional doctrines to  
draw the lines of legislative powers

a. Case study of India's Basic Structure  
Doctrine.

b. Limiting legislative powers by clarifying  
its extent.

ii- Redefining separation of powers  
between center and its units

a. 18<sup>th</sup> Amendment in the Constitution

of Pakistan, 1973.

b. Decentralizing powers foster a more balanced power-sharing structure among provincial and federal authorities.

iii. Public will reframing balance of power via Referenda

a. Brexit Referendum 2016

b. Public will decides balance of power in democratic form of government.

iv. Constitutional changes ensure separation of judiciary from legislative and executive branches of government

a. UK Parliament's 2005 Constitutional Reform Act.

b. Establishment of Supreme Court to ensure independence of judiciary

E Ways by which constitutional changes affect the balance of power by amending

## the rights of citizens;

- i - Strengthening citizen's rights by ~~strengthening~~ redefining governmental powers
  - a. The USA's Bill of Rights (1791)
  - b. Empowering citizens to reduce hold of governmental control.
  
- ii - Strengthening local Government System
  - a. Brazil's 1998 constitution
  - b. Reviving local government system to ensure representation, public participation and devolution of national resources.
  
- iii - Empowering public Accountability by amending citizen's fundamental rights
  - a. Addition of article 19-A in the Constitution of Pakistan, 1973
  - b. Extending rights to citizen strengthen the check of public over branches

of government

F Conclusion