

Q4
How 27th Amendment affected the
trichotomy of power in
Pakistan? Discuss

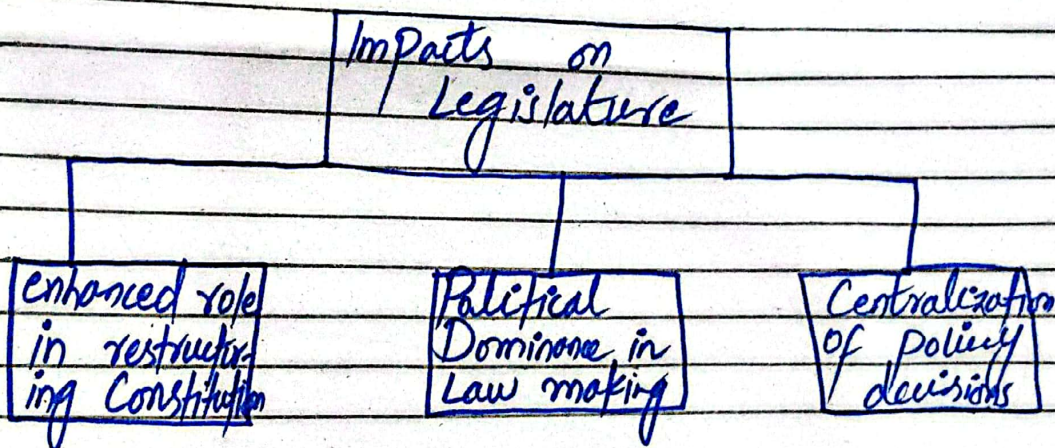
How 27th Amendment affected
the trichotomy of power
in Pakistan.

Introduction:-

The 27th amendment passed on November 2027 create significant constitutional changes in recent history. It brought the major ^{reforms} changes in structure and functioning of legislative, executive and judiciary, mainly the three pillars of state called **trichotomy of power**. The constitution not only restructuring the judiciary but by establishing the Federal Constitutional Courts (FCC) but also bring the major reforms in military and executive. The constitution provide the life-long immunity to the top military officers. The critics argue that the constitution after the independence of judiciary and weakens the ~~judiciary~~ traditional checks and balance, rising the serious concerns about constitutional supremacy and

democratic governance. In the essence the amendment reflects a trend toward the centralization of authority, making the legislature, judiciary, executive more independent in ways that challenge the original spirit of the constitution. This In this question the trichotomy of power in Pakistan affected by the constitution Amendment will be discussed

Impacts on Legislature



1) Enhanced role in restructuring the Constitution:-

The amendment in constitution is approved by the 2/3rd majority of parliament, recognizing the important role of parliament in amendment of constitution. The legislatures exercised its

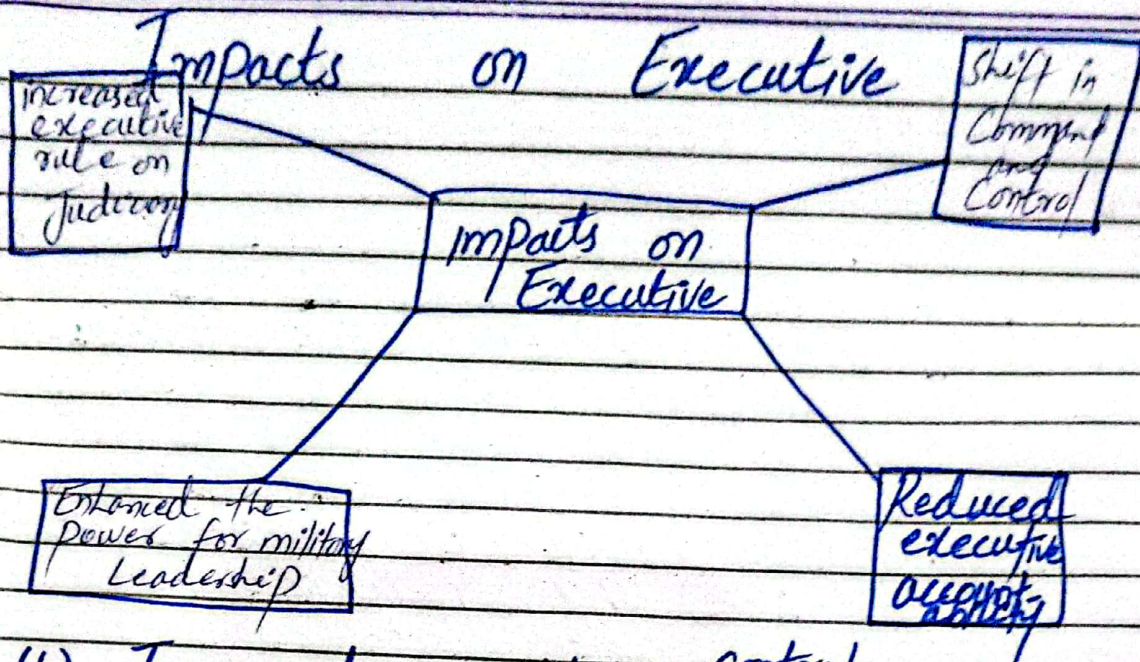
its constitutional authority under
the Article - 239 to transform
the key institutes.

2) Political Dominance In Law Making:-

The amendment in constitution is passed ~~des~~ by legislature despite protests and opposition is by ~~all~~ H.
It shows that legislative decisions can be driven by political maturity even when contested by other institutions or civil society.

3) Centralization of Policy Decisions:-

Legislature approved the provisions that not only made in judiciary by establishing federal constitution Court but also restructuring the executive and military by constitutional building, providing life long immunity to military officers.
This means legislator is not only a law making form but it is being used to centralize the powers at the federal level.

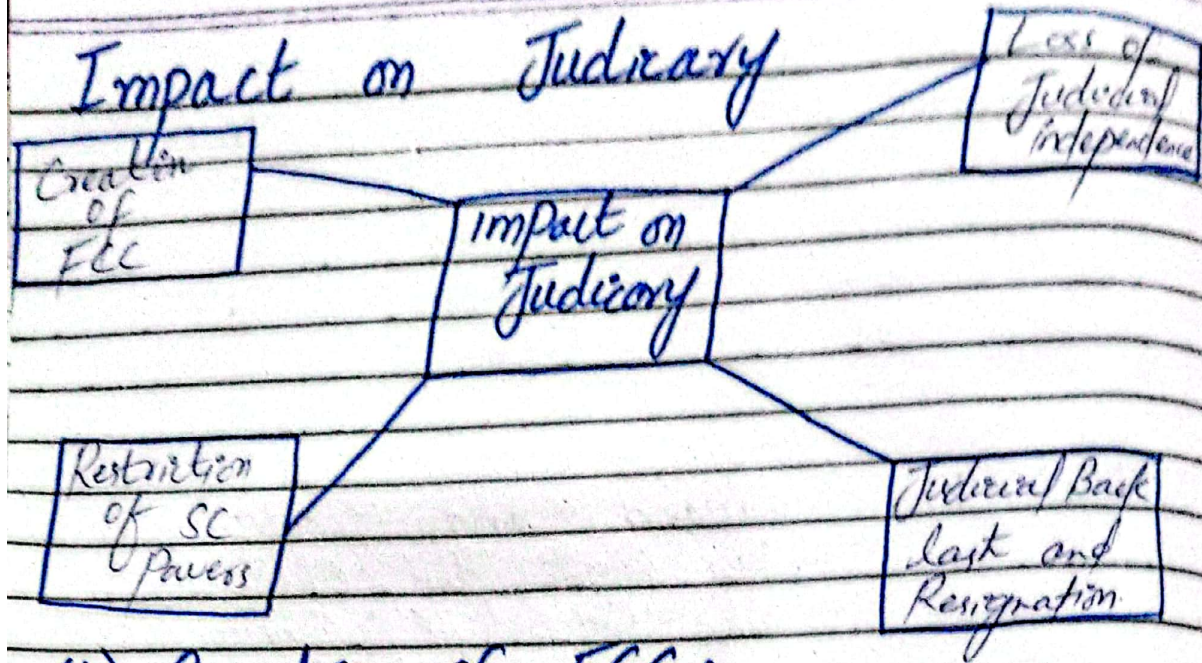


(1) Increased executive ~~role~~ control over Judiciary

The amendment introduce the Federal Constitutional Court, altering judiciary structure, allowing the executive influence over judiciary appointments and transfers. Now the executive can transfer the judges in any province without the recommendation of Commission Judge. It ~~alters~~ the amendment alter the independence of judiciary and ~~weakens~~ makes it more dependent over the executive preferences.

2) Enhanced the Power for Military Leadership:-

The amendment recognize a new position, Chief of Defense Forces held concurrently by Army Chief.



(1) Creation of FCC:-

The amendment establishes the Federal Constitution Court with the exclusive authority of constitutional disputes. The amendment transfers some powers of Supreme Court to FCC.

This restructuring alters the apex of judicial authority in the country and dilutes the Supreme Court's traditional position as the highest constitutional guardian.

2) Restriction of SC powers:-

The amendment limits the Supreme Court's original jurisdiction and suo motu powers meaning the highest court can no longer initiate matters on its own key areas.

This reduces its capability to act as a check on executive or legislative overreach.

The 27th amendment amends the article 184 & 199 that are related to Suo Motu and original jurisdiction of Supreme Court.

(3) Loss of Judicial independence:-

Critics argue that changes in appointment and transfer processes undermine judicial autonomy.

These reforms create a court system with stronger ties to executive decision-making.

(4) Judicial Backlash and Resignation:-

Some senior judges ~~has~~ strongly opposed these reforms related to judiciary, even some ~~even~~ judges resigned, describing the reform as a threat to the constitution and judicial independence.

Conclusion:-

The 27th amendment has significantly reshaped the trichotomy of power in Pakistan by reaffirming the supremacy of parliament and redefining the boundaries of ~~not~~ executive and judiciary. It has made Parliament more stronger and powerful. If Parliament uses this power carelessly, it may weaken checks and balances. Therefore, the amendment ^{can} either improve harmony among state institutions or create new problems. ~~and~~ every thing depends on each institutes responsibly follow the Constitution.