

Borrowing Institutions, Transforming the Constitution: A Critical Analysis of Constitutional Transplants and the Limits of Constituent Power after Pakistan's Twenty Seventh Amendment

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Abstract

The Twenty Seventh Constitutional Amendment to the Constitution of Pakistan, 1973 introduced essential changes to the country's constitutional structure, particularly through the establishment of the Federal Constitutional Court. While the Amendment was enacted under Article 239, it raises an important constitutional question: does it only amend the Constitution or does it change the basis of constitutional order? This article analyses the Amendment through the concepts of legal transplant, constitutional transplantation, constitutional transformation and constituent power. Using Alan Watson's theory of legal transplants, it states that Pakistan should not be viewed as having copied any single foreign constitutional model. Instead, the Federal Constitutional Court represents Pakistan's adaptation of the broader idea of specialised constitutional adjudication. The article further analyses whether constitutional borrowing can be separated from the political, legal and institutional context in which such institutions originally developed. It also evaluates Parliament's amendment power under Article 239 and considers whether there are substantive constitutional limits on that power. To assess the constitutional importance of the Amendment, the article proposes a Constitutional Transplant Test based on origin, purpose, receiving context, adaptation, safeguards, redistribution of power and constitutional effect. It summarises that the Twenty Seventh Amendment shows both constitutional adaptation and constitutional transformation, making it an important development in Pakistan's developing constitutional framework.

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Introduction

Constitutions are dynamic legal instruments that evolve with changing political, social and institutional needs. Constitutional ideas often move across legal systems as states borrow institutions and legal concepts from one another. But constitutional borrowing is more than copying foreign models. A borrowed institution functions within a different constitutional, political and judicial environment which may influence its effectiveness. This issue has become specifically relevant in Pakistan, following the Constitution (Twenty Seventh Amendment) Act, 2025, which made the Federal Constitutional Court and redesigned the system of constitutional adjudication. The Amendment creates an important constitutional question: does the creation of a new constitutional court merely amend the Constitution, or does it transform the constitutional order itself?

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This article examines the Twenty Seventh Amendment through the concepts of constitutional transplantation, constitutional transformation and constituent power. Drawing on Alan Watson's theory of legal transplants, it states that Pakistan should not be viewed as having copied any single foreign constitutional model. Instead, the Federal Constitutional Court represents Pakistan's adaptation of the broader idea of specialised constitutional adjudication. The article further states that constitutional borrowing should be evaluated not only by institutional design but also by its constitutional context. Judicial independence, appointment procedures, institutional safeguards and the relationship between constitutional bodies all influence how a borrowed institution functions within the receiving legal system.

The Twenty Seventh Amendment also revives an important debate regarding Parliament's amendment power under Article 239 of the Constitution. While Article 239 grants Parliament broad authority to amend the Constitution, an important question remains whether every amendment merely changes the constitutional text or whether some amendments fundamentally transform the constitutional structure.

Accordingly, this article addresses three questions: whether the Federal Constitutional Court represents a constitutional transplant, whether the Twenty Seventh Amendment has transformed Pakistan's constitutional structure, and whether Parliament's constituent power under Article 239 has substantive constitutional limits. To answer these questions, the article proposes a Constitutional Transplant Test based on Origin, Purpose, Receiving Context, Adaptation, Safeguards, Redistribution of Power and Constitutional Effect. Using doctrinal and comparative analysis, the article evaluates whether the Twenty Seventh Amendment represents constitutional adaptation or a deeper constitutional transformation.

Alan Watson and the Idea of Legal Transplants

The concept of the "legal transplant" is strongly linked with comparative law scholar Alan Watson. In *Legal Transplants: An Approach to Comparative Law*, Watson stated that borrowing has been an important source of legal development. Legal systems do not necessarily create every rule from their own social experience. Rules, concepts and institutions may be taken from another legal system and included into a new one (Watson, 1974).

Watson's approach is important because it challenges the idea that law must always be understood as a direct product of the society in which it operates. Legal history provides many examples of rules moving between jurisdictions. A rule may originate in one legal tradition, be adopted by another state and later function within social conditions different from those in which it first developed.

The idea is specifically familiar in Pakistan. Pakistan's legal system itself developed through substantial legal continuity from the colonial period. Many laws and legal institutions that originated under British rule continued after independence, although they later operated within a different constitutional and political order. Legal borrowing is therefore not foreign to Pakistan's legal development. So Watson's theory gives this article an important starting point: legal institutions can travel. But this proposition does not answer whether they will work in the same way after they travel.

From Legal Transplant to Constitutional Transplant

A distinction should be made between an ordinary legal transplant and a constitutional transplant. The difference lies majorly in the nature of the rule or institution being transferred. Borrowing a rule of contract, procedure or commercial law may affect particular legal relationships without substantially changing the organisation of the State. Constitutional borrowing can be different because constitutional institutions determine who exercises public authority, who reviews that authority and how power is distributed between Parliament, the executive, courts and other constitutional bodies.

A constitutional transplant, for the purposes of this article, means the borrowing or adaptation of a constitutional rule, institution or structural idea that has developed or operated in another constitutional system. Examples may include constitutional courts, bills of rights, judicial review, models of federalism, systems of judicial appointment and constitutional councils. These ideas may travel between states, but the receiving state rarely adopts them in exactly the same form. Borrowing usually involves adaptation.

Institutions Travel, but Context Does Not Travel Automatically

Watson's theory has generated an essential debate in comparative law. Even if rules can move between legal systems, critics question whether law can be separated so easily from the social, political and cultural environment in which it operates.

Pierre Legrand, for example, has taken a much more sceptical position toward legal transplantation. His criticism is important because legal meaning is not contained in words alone. The same legal text may be understood and applied differently where judges, lawyers and institutions operate within different legal cultures (Legrand, 1997).

For constitutional institutions, this criticism becomes particularly significant. A constitutional court does not function only because the Constitution gives it that name. Its practical position depends upon its jurisdiction, appointment process, tenure of judges, institutional independence, relationship with other courts, political environment and acceptance of its authority. A country can therefore borrow an institutional form without reproducing the institutional conditions that shaped its operation elsewhere.

Borrowing Is Not the Same as Copying

The language of "transplant" can sometimes create the impression that one legal system simply copies another. That understanding is too narrow. Constitutional borrowing may take several forms. A country may reproduce a foreign rule closely, modify it significantly, combine ideas from several jurisdictions or adopt a general institutional concept while designing most of its details domestically.

For this reason, constitutional transplantation is better understood as a process: Borrowing → Selection → Adaptation → Integration

The receiving state first identifies an institutional idea. It then selects the parts it considers useful, adapts them to domestic constitutional arrangements and integrates the resulting institution into its existing system.

The success or failure of the transplant therefore cannot be measured simply by asking whether it resembles the foreign model. The more important question is whether the adapted institution fits the receiving constitutional order and serves the purpose for which it was introduced.

When Adaptation Becomes Constitutional Transformation

Not every constitutional transplant transforms a Constitution. A borrowed institution may operate within the existing constitutional structure without substantially changing the distribution of power. But where institutional adaptation changes who exercises constitutional authority, the issue becomes more serious.

This article uses constitutional transformation to describe a change that goes beyond alteration of individual constitutional provisions and significantly affects the structure, distribution or exercise of constitutional power.

The distinction can be expressed simply:

Amendment changes constitutional rules. Transformation changes how the constitutional order works. The two concepts are not mutually exclusive. A formally enacted amendment may also produce constitutional transformation. The first description concerns the legal method through which change occurs. The second concerns the depth and effect of that change. The creation of Pakistan's Federal Constitutional Court must therefore be examined at two levels. At the formal level, it is the product of constitutional amendment. At the structural level, the question is whether the redistribution of constitutional jurisdiction changes Pakistan's existing constitutional architecture deeply enough to constitute transformation.

Constituent Power and Constituted Power

The concept of constitutional transformation leads directly to the question of constituent power. In constitutional theory, constituent power generally refers to the authority to create or fundamentally establish a constitutional order. Constituted powers, by contrast, are institutions created by the Constitution and exercising authority granted by it. Parliament, the executive and courts ordinarily operate as institutions within the constitutional framework. The difficulty arises when Parliament exercises a constitutional amendment power. Parliament is then not acting only as an ordinary legislature. It is exercising a special constitutional authority provided by the Constitution itself.

In Pakistan, Article 239 provides the constitutional procedure for amendment and contains particularly strong language concerning Parliament's amendment power. Article 239(5) states that no constitutional amendment shall be called in question in any court on any ground whatsoever, while Article 239(6) declares that there is no limitation whatever on Parliament's power to amend any provision of the Constitution. The Supreme Court's decision in *District Bar Association, Rawalpindi v. Federation of Pakistan* is central to this debate. The case produced extensive judicial discussion concerning salient features of the Constitution and the relationship between Parliament's amendment power and judicial review. Although the Court did not adopt the Indian basic structure doctrine in its

full form as a power to strike down constitutional amendments, the judgment demonstrates that the distinction between ordinary amendment and fundamental constitutional change remains part of Pakistani constitutional thought (*District Bar Association, Rawalpindi v. Federation of Pakistan*, PLD 2015 SC 401).

The Twenty Seventh Amendment gives this debate a new institutional setting. The question is no longer purely theoretical. If constitutional amendment substantially restructures the institutions responsible for interpreting the Constitution, the relationship between amendment power and constitutional identity becomes particularly important.

Constitutional Identity and the Limits of Transformation

The concept of constitutional identity can help explain why some amendments appear more significant than others. Every constitutional provision is legally important, but some features help define the basic character of the constitutional order. In Pakistan, constitutional jurisprudence has repeatedly discussed features such as parliamentary democracy, federalism, independence of the judiciary and Islamic provisions as important characteristics of the constitutional system. The precise legal effect of identifying these features remains contested, especially in light of Article 239.

The purpose of this article is not to assume that these features create an automatic judicial power to invalidate constitutional amendments. That would require a separate doctrinal argument. The narrower point is that an amendment affecting institutions connected with such features deserves analysis beyond formal procedure.

Building the Analytical Framework

The theories discussed above can now be brought together.

Watson helps explain how legal rules and institutions can move across legal systems. Critiques of transplantation remind us that legal meaning and institutional performance depend upon context. Constitutional transplantation narrows the inquiry to institutions affecting public power. Constitutional transformation asks how deeply the borrowed or redesigned institution changes the receiving constitutional order. Constituent power finally asks whether the authority making that change is exercising ordinary amendment power or something approaching constitutional reconstruction.

For the purposes of this article, the relationship can be expressed as:

Legal Borrowing → Constitutional Transplantation → Domestic Adaptation → Redistribution of Authority → Possible Constitutional Transformation

This sequence will later be tested through seven considerations:

Origin → Purpose → Receiving Context → Adaptation → Safeguards → Redistribution of Power → Constitutional Effect

The first four questions examine the transplant. The final three examine the possibility of transformation.

This framework avoids two opposite assumptions. The first is that borrowing a foreign institutional idea is necessarily harmful. Constitutional systems have always learned from one another, and borrowing can support meaningful reform. The second is that an institution successful elsewhere will necessarily produce the same result after transplantation.

1. Before the Twenty Seventh Amendment: Pakistan's Changing Architecture of Constitutional Adjudication

The Federal Constitutional Court did not enter an unchanged judicial system. Pakistan had already experienced a long history of constitutional litigation, judicial review and disputes over the proper relationship between Parliament and the judiciary. More immediately, the Twenty Sixth Amendment had introduced Constitutional Benches within the superior judiciary. The Twenty Seventh Amendment therefore needs to be understood as part of a continuing process of institutional change rather than as an isolated reform.

The Supreme Court and Constitutional Adjudication under the 1973 Constitution

The Constitution of 1973 established the Supreme Court at the highest level of Pakistan's judicial structure. For decades, constitutional interpretation developed mainly through the Supreme Court and High Courts exercising the jurisdictions assigned to them by the Constitution.

The Supreme Court performed several roles at the same time. It was the final appellate court in ordinary litigation, but it was also a central constitutional court in the functional sense. It interpreted constitutional provisions, decided disputes involving constitutional authority and developed principles concerning fundamental rights, federalism, parliamentary government, judicial independence and separation of powers. Before the recent constitutional restructuring, Article 184 was particularly important. Article 184(1) provided original jurisdiction in disputes between governments, while Article 184(3) allowed the Supreme Court to act where a question of public importance relating to the enforcement of fundamental rights was involved. Article 185 provided appellate jurisdiction, while Article 186 enabled the President to seek the Court's advisory opinion on questions of law of public importance.

Pakistan therefore did not historically require a separate institution called a constitutional court for constitutional adjudication to take place. The Supreme Court combined the functions of an apex appellate court with important constitutional functions.

This point is important for the present article. The question created by the Twenty Seventh Amendment is not simply whether Pakistan should possess constitutional adjudication. It always did. The structural question is where constitutional adjudication should be located and which institution should exercise final constitutional authority.

The High Courts and Constitutional Review

Before the Twenty Seventh Amendment, constitutional adjudication in Pakistan was shared between the Supreme Court and the High Courts. Under Article 199, the High Courts exercised constitutional

jurisdiction by reviewing public actions, protecting fundamental rights and ensuring that public authorities acted within legal limits. This created an integrated system in which constitutional interpretation formed part of the ordinary superior judiciary rather than being entrusted to a separate constitutional court. The Twenty Seventh Amendment changed this institutional arrangement by establishing the Federal Constitutional Court, introducing a specialised model of constitutional adjudication into Pakistan's judicial structure.

Judicial Review and Pakistan's Constitutional History

Pakistan's constitutional history has repeatedly placed the Supreme Court at the centre of disputes involving constitutional crises, dissolution of legislatures, military interventions and constitutional amendments. Through these decisions, the Court developed a significant role in constitutional interpretation while also generating debate over the balance between judicial review and democratic governance. This tension was evident in *District Bar Association, Rawalpindi v. Federation of Pakistan* (PLD 2015 SC 401), where the Supreme Court examined Parliament's amendment power and discussed the salient features of the Constitution without fully adopting the Indian basic structure doctrine. This constitutional background is particularly relevant because the Twenty Seventh Amendment restructures the jurisdiction of the very institution that has historically shaped Pakistan's constitutional jurisprudence.

The Twenty Sixth Amendment: The Intermediate Stage

The Twenty Sixth Amendment marked an important stage in the evolution of constitutional adjudication in Pakistan. Instead of creating a separate constitutional court, it introduced Constitutional Benches within the Supreme Court and High Courts through Article 191A. This model promoted specialisation while keeping constitutional adjudication within the existing superior judiciary.

The Twenty Seventh Amendment moved a step further by establishing the Federal Constitutional Court as a separate constitutional institution under Chapter 1A of Part VII of the Constitution. Unlike Constitutional Benches, which remained part of the Supreme Court, the Federal Constitutional Court possesses its own constitutional identity, composition and jurisdiction. This shift represents a structural change rather than merely an internal judicial arrangement.

The significance of the Amendment lies not simply in creating another court, but in redistributing constitutional jurisdiction. Important constitutional functions previously exercised by the Supreme Court were transferred to the Federal Constitutional Court, thereby altering the institutional framework of constitutional adjudication. The focus therefore shifts from the question of whether a new court has been created to how constitutional authority has been redistributed within Pakistan's judicial system.

The establishment of a specialised constitutional court may offer practical benefits, including greater expertise, consistency and institutional focus in constitutional matters. However, specialisation alone does not guarantee effective constitutional justice. Its success depends upon judicial independence, appointment procedures, tenure, jurisdictional clarity and adequate institutional safeguards.

Viewed in this context, Pakistan's constitutional development reflects three stages: an integrated model of constitutional adjudication, the introduction of Constitutional Benches, and finally the establishment of the Federal Constitutional Court. The Twenty Seventh Amendment should therefore be examined not merely as another constitutional amendment, but as a significant institutional reform that raises the broader question whether Pakistan has simply adapted the idea of specialised constitutional adjudication or fundamentally transformed its constitutional structure.

2. The Twenty Seventh Amendment: What Changed and Why It Matters

The Constitution (Twenty Seventh Amendment) Act, 2025 fundamentally restructured constitutional adjudication in Pakistan by establishing the Federal Constitutional Court (FCC). Rather than merely adding another court to the existing judicial system, the Amendment redistributed important constitutional functions that had previously been exercised by the Supreme Court. Therefore, its significance lies in its institutional effect rather than the creation of a new judicial body. Unlike the Constitutional Benches introduced under the Twenty Sixth Amendment, which remained part of the Supreme Court, the FCC is a separate constitutional institution established under Chapter 1A of Part VII of the Constitution. Articles 175B to 175L regulate its composition, appointment, jurisdiction, review powers and advisory functions. This shift represents institutional separation rather than internal judicial specialisation.

The Amendment also introduced a new distribution of constitutional jurisdiction. The FCC now exercises exclusive original jurisdiction over disputes between governments, hears matters relating to the enforcement of fundamental rights involving questions of public importance, and possesses authority to determine substantial constitutional questions. It also exercises appellate jurisdiction in specified constitutional matters arising from the High Courts and assumes advisory jurisdiction previously exercised by the Supreme Court under Article 186. The transfer of pending constitutional proceedings further demonstrates that the FCC was designed to replace, rather than merely supplement, aspects of the Supreme Court's constitutional role. Despite these changes, constitutional review remains available before the High Courts under Article 199. Pakistan has therefore adopted a hybrid model in which constitutional jurisdiction is shared between the High Courts and the FCC, while the Supreme Court continues to function primarily as the apex appellate court for matters assigned to it.

Early decisions of the FCC, including *Messrs Matracon Pakistan (Private) Limited v. Appellate Tribunal for Sales Tax on Services* and *Syeda Nasreen Zohra v. Government of Punjab*, indicate that the new Court has already begun defining the boundaries of its constitutional jurisdiction and its relationship with the Supreme Court.

The Twenty Seventh Amendment should therefore be understood as more than a reform aimed at specialisation. By establishing a separate constitutional court and redistributing constitutional authority, it has altered the institutional framework of constitutional adjudication. The central question is not simply whether Pakistan has created a constitutional court, but whether this institutional restructuring represents constitutional adaptation or a deeper constitutional transformation.

3. Specialised Constitutional Courts as a Travelling Constitutional Idea: Germany, Austria, Türkiye and Pakistan

The establishment of Pakistan's Federal Constitutional Court is new to Pakistan's constitutional history, but the idea of specialised constitutional adjudication is well established in comparative constitutional law. Constitutional courts have existed in jurisdictions such as Austria, Germany and Türkiye, demonstrating that constitutional review may be entrusted to a specialised institution rather than an ordinary supreme court. These jurisdictions are relevant not because Pakistan copied any one of them, but because they illustrate how a common constitutional idea can be adapted in different legal systems.

Comparative analysis should therefore focus not on the existence of a constitutional court alone, but on its institutional design. Factors such as jurisdiction, appointment procedures, judicial independence, tenure and the relationship with other courts determine how effectively a constitutional court functions. A constitutional institution cannot be evaluated merely by its title or formal structure. Pakistan's Federal Constitutional Court reflects the broader idea of specialised constitutional adjudication while remaining a product of Pakistan's own constitutional framework. Its composition, jurisdiction and relationship with the Supreme Court and High Courts differ from foreign models and are shaped by domestic constitutional needs. It is therefore more accurate to describe the Court as Pakistan's adaptation of a travelling constitutional idea rather than a direct constitutional transplant. Comparative experience also shows that institutional form is easier to borrow than institutional culture. A constitutional amendment may establish a new court and define its powers, but it cannot automatically create judicial independence, institutional confidence or constitutional traditions. These develop through constitutional practice and effective institutional safeguards.

The comparative lesson is therefore clear. The success of Pakistan's Federal Constitutional Court should not be measured by its similarity to constitutional courts elsewhere, but by whether its institutional design strengthens constitutional adjudication within Pakistan's own constitutional order. The central question is not what Pakistan borrowed, but how that borrowing has affected the distribution of constitutional authority. This provides the foundation for assessing whether the Twenty Seventh Amendment represents ordinary constitutional adaptation or a deeper constitutional transformation.

4. Transplant or Transformation? Applying the Constitutional Transplant Test

This article applies a Constitutional Transplant Test based on seven elements: Origin, Purpose, Context, Adaptation, Safeguards, Redistribution of Power and Constitutional Effect. The purpose of the test is not to determine constitutional validity, but to assess whether institutional borrowing remains adaptation or results in constitutional transformation. The analysis shows that Pakistan's Federal Constitutional Court is not a direct transplant from Germany, Austria, Türkiye or any other single jurisdiction. Rather, Pakistan has adopted the broader idea of specialised constitutional adjudication and adapted it to its own constitutional framework. The legitimacy of this reform

depends not on its foreign origin but on whether it effectively addresses Pakistan's constitutional needs.

The effectiveness of the Federal Constitutional Court also depends on its institutional safeguards. Judicial independence, appointment procedures, tenure, jurisdiction and institutional autonomy are as important as the creation of the Court itself. Comparative experience demonstrates that borrowing an institutional model does not automatically reproduce the constitutional culture and safeguards that support it.

The most significant feature of the Twenty Seventh Amendment is the redistribution of constitutional authority. By transferring important constitutional functions from the Supreme Court to the Federal Constitutional Court, the Amendment changes the institutional framework through which constitutional questions are determined. This goes beyond administrative specialisation and affects the constitutional structure itself.

Accordingly, the Amendment reflects both constitutional transplantation and constitutional transformation. The transplantation lies in adapting the idea of specialised constitutional adjudication, while the transformation lies in the redistribution of constitutional authority within Pakistan's superior judiciary. However, describing the Amendment as transformative does not imply that it is unconstitutional. The Constitutional Transplant Test identifies the depth of institutional change but does not determine the legal limits of Parliament's amendment power under Article 239. That question belongs to the doctrine of constituent power and remains a separate constitutional inquiry.

5. Major Findings

The study finds that Pakistan's Federal Constitutional Court should not be regarded as a direct transplant from any single foreign jurisdiction. Rather, it represents Pakistan's adaptation of the broader idea of specialised constitutional adjudication. The Twenty Seventh Amendment goes beyond institutional borrowing by redistributing important constitutional functions and restructuring the relationship between the Federal Constitutional Court, the Supreme Court and the High Courts. It therefore relates both constitutional adaptation and constitutional transformation. However, constitutional transformation does not automatically imply constitutional invalidity. Although Article 239 grants Parliament broad amendment powers, an important constitutional question remains whether derivative constituent power has substantive limits where judicial independence, federalism or other fundamental constitutional elements are affected. The study further concludes that the success of the Federal Constitutional Court will depend not only on its constitutional status but also on effective institutional safeguards, including judicial independence, clear jurisdiction, competent appointments and public confidence in constitutional adjudication.

6. Recommendations

1. Clarify Jurisdiction: The jurisdiction of the Federal Constitutional Court and the Supreme Court should be clearly defined to prevent jurisdictional conflicts and ensure certainty for litigants.
2. Strengthen Judicial Independence: Judicial independence should remain the foundation of the new constitutional framework through transparent appointments, secure tenure and institutional autonomy.

3. **Promote Comparative Constitutional Assessment:** Future constitutional reforms should be preceded by careful comparative constitutional analysis. Parliament should evaluate not only whether a foreign institution exists but also whether it is suitable for Pakistan's constitutional and political environment.
4. **Ensure Transparent Constitutional Reasoning:** Major institutional reforms should be supported by clear constitutional reasoning, identifying the need for reform, the choice of institutional model and its expected constitutional impact.
5. **Evaluate Constitutional Effect:** Constitutional amendments should be assessed not only by compliance with Article 239 but also by their effect on judicial independence, federalism and the overall constitutional balance.
6. **Apply the Constitutional Transplant Test:** The proposed Constitutional Transplant Test: Origin, Purpose, Context, Adaptation, Safeguards, Redistribution of Power and Constitutional Effect may serve as a practical framework for legislators, courts and researchers to determine whether constitutional borrowing results in effective adaptation or a deeper constitutional transformation.

7. Conclusion

The Twenty Seventh Amendment marks a significant development in Pakistan's constitutional evolution by establishing the Federal Constitutional Court and restructuring constitutional adjudication. Rather than merely creating a new judicial institution, the Amendment redistributes constitutional authority, making it an important example of how constitutional borrowing may result in constitutional transformation. This article has argued that the Federal Constitutional Court should not be regarded as a direct transplant from any single foreign jurisdiction. Instead, it represents Pakistan's adaptation of the broader idea of specialised constitutional adjudication. The study further distinguishes constitutional transformation from constitutional invalidity, emphasizing that a transformative amendment is not necessarily unconstitutional. The more important question is whether such transformation remains within Parliament's constituent power under Article 239.

The article also demonstrates that successful constitutional reform requires more than borrowing institutional models. The effectiveness of the Federal Constitutional Court will depend on judicial independence, clear jurisdiction, institutional safeguards and its constitutional relationship with the Supreme Court and High Courts.

Ultimately, the significance of the Twenty Seventh Amendment lies not in the creation of a constitutional court alone, but in its impact on Pakistan's constitutional structure. Whether this reform strengthens constitutional justice will depend on how the new institution functions in practice and how future constitutional jurisprudence defines the relationship between constitutional transformation, constituent power and the fundamental features of the Constitution.

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