

Q Among the Congress, the judiciary, and the Executive branches of the United States Government, which one of the government branches is much more powerful and why? Elaborate through the prism of the US Separation of Powers and Checks and Balances system.

Ans Introduction

The framers believed that their most important action in preventing the rise of tyranny in America was to divide the key powers of government among the three branches.

The framers carefully constructed a system that provided specific levers of power to allow each of the branches to influence the actions of the others in an orderly and predictable way. **Those levers are the system of checks and balances.** This check and balance system is one of the most powerful weapons in the US Constitution which makes it one of the most important written documents in world.

First three articles of the Constitution of USA

The Constitution of America provides direct safeguards to the freedom of all Americans as the first three articles of Constitution of USA describes the specific powers given to all three branches of the government to establish a balance of power. Each branch has powers that it can use to check and balance the operation of other two branches.

The core idea of the system of check and balance was that no one branch of government should be able to get too far out of control without being in check by others.

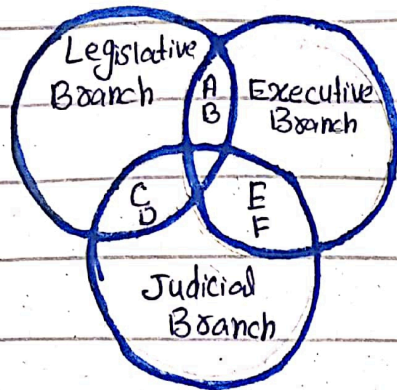


Figure: System of Check and Balances

A: Legislative check over Executive

B: Executive check over legislative Branch

C: Legislative check over Judiciary

D: Judiciary check over Legislative branch

E: Executive check over Judiciary

F: Judiciary check over Executive

1- A: Legislative check over Executive

The Legislative branch (Congress) has the power to make laws according to Constitution of U.S. but it also has some checks over executive branch of government which are listed below

a. Procedure for passing bills

Article one; Section Seven outlines the procedure for passing bills and resolutions. A bill might arise in the House and passed with a simple majority. If then passed by the Senate,

it goes to the President for signature. once signed, the bill becomes law. However, if the President vetoes the bill both chambers can still pass the bill with a two-thirds vote. This is referred to as a veto to — override the veto. Thus Congress may override Presidential vetoes by two third votes.

b. Fund any executive actions,

Congress has the power over purse strings to actually fund any executive actions.

c. Impose tax; Congress has the power to impose tax

d. Declare war; Congress has the power to declare war

e. International treaties; Senate has the power to accept/reject any treaty. (e.g. the treaty of Versailles was rejected by U.S. Senate)

f. During Presidential elections, if no person gets majority, the House of Representatives choose the President from the top three candidates for that post, and the Senate chooses the vice president from the top two candidates for that post.

g. Impeachment. Congress can remove president through impeachment.

2. Legislative check over Judiciary

The legislative branch (Congress) has the following checks over the judicial branch.

a. Lower Courts; Congress can create lower courts.

b. Number of Judges; Congress can increase or decrease

the number of judges

c. **Salary of judges:** It has the power to fix salary of judges

d. **Judicial Act:** Congress gives final approval to Judicial Act.

e. **Impeachment:** Congress has the power to remove judges through impeachment

f. **Appointment of judges:** Senate special Committee approves appointment of judges.

3. Executive check over Legislative Branch

Following are the checks that Executive has over the legislative branch:

a. **Veto any bill:** Executive has the power to veto any bill.

b. **Influence on the proceedings:** President is head of House of Representative and Vice-president is head of Senate. So, both have a considerable influence on the proceedings.

c. **Position in time of war:** President is Commander in chief of all forces which gives him an incredibly powerful position in time of war.

d. **Emergency Sessions:** Executive has the ability to call special/emergency sessions.

e. **Recommend legislature:** Executive can recommend legislature.

3. Executive check over Judiciary

The Executive has following checks over judiciary.

a. **Judges of Supreme Court**; President has the power to appoint Judges of Supreme Court and Federal Courts.

b. **Federal offenders**; President can pardon federal offenders.

4. **Judiciary check over Legislative Branch**

Judicial Branch (Supreme Court) has following checks over Legislative Branch:

a. **Interpret the law**; only judge judiciary has the power to judge and interpret the law.

b. **Judicial review**; Judiciary has the power of judicial review which can declare any act as unconstitutional.

5. **Judiciary check over Executive**

Judicial Branch (Supreme Court) has following checks over Executive:

a. **Appointment for life**; Judges, once appointed for life, are free from controls from the executive branch.

b. **Judge executive actions**; Courts can judge executive actions to be unconstitutional through the power of judicial review.

Conclusion

The American system of checks and balances has worked well over the course of America's history. Even though some huge clashes have occurred when vetoes have been overridden or appointments have been rejected, these occasions are rare. The system was meant to keep the three branches in balance. The most important result is that getting anything important done within American

System of government now requires the Cooperation (or at least the acquiescence) of more than one branch of government.
