

2016 Q3.

The Senate of USA is the most powerful upperhouse in the world. Can you justify this statement? Explain your answer with reference to upper houses of Pakistan and India?

1. Introduction

It is a subjective claim to label the Senate of the USA as the "most powerful" upperhouse in the world, as the power and influence of such legislative bodies can vary significantly depending upon the country's political system and constitution. The term "powerful" can be defined in various ways such as legislative authority, checks and balances or global influence and US Senate is undoubtedly influential though it may not necessarily be the "most powerful" by all definitions. However, the perception of whether the US Senate is the most powerful upper house varies among scholars and opinions may change overtime. Moreover, many scholars and political analysts have argued that US Senate holds a particularly influential position within its political system such as David Mayhew, Norman Ornstein, Dicy Munro, and Beard and so on.

2. The Powers of US Senate:

A) Legislative Authority; The US Senate has significant legislative power. It plays a crucial role in passing federal laws, approving treaties

and confirming presidential appointments, including Supreme Court justices. This legislative authority is enshrined in the US Constitution.

B) Checks and Balances: The Senate is a part of the system of checks and balances in the US government. It can act as a counterbalance to the House of Representatives and executive branch, helping to prevent the concentration of power.

Albert Dicey a British scholar in his book "Introduction to the study of the Laws of Constitution" (1885) has discussed the federal system and Senate's role within it. He noted that Senate was designed as a key component of the American system of federalism serving as a check on excessive centralization of power.

C) Global Influence: The United States, with its strong Senate, is a global superpower. The decisions and policies formulated by the Senate can have a substantial impact on international affairs, trade and security.

D) Historical Significance: The US Senate has a long and storied history, dating back to the formation of United States. This historical legacy adds to its perceived power and significance.

Charles Beard an American historian in his work "An Economic Interpretation of Constitution of United States" (1913) argued that the framers of constitution including the Senate's architects, were motivated by economic interest. He suggest

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that Senate was designed to protect the economic interests of the wealthy elite.

George Edward III, a political Scientist has examined the role of the US Senate in US political system and has highlighted the role and significance of US Senate with respect to separation of power and its impacts on policy making process.

3. Comparison Among the Senate of US, Pakistan and India

The Senate of the United States, Pakistan and India are all upper houses in their respective bicameral legislatures, but they have different structures, powers and roles.

Comparison based upon structure and composition, legislative power, representation and balance.

A) Structure and Composition:

• United States Senate comprises of 100 members with each state electing two Senators regardless of its population. Senators serve staggered six year terms. For Example: The Two Senators from California represent the state's interest equally, despite its large population.

• Pakistan Senate consist of 104 members. Senators are elected by the members of provincial assemblies and the National Assembly.

Example: The Senate In Pakistan represents the provinces and helps balance of power between smaller and larger provinces.

• Indian Rajya Sabha (Council of States) comprises of maximum 250 members. Members are indirectly elected by the elected members of the State Legislative Assemblies and by the members of an Electoral College for Union Territories.

Example: Rajya Sabha members represent the interests of the states and Union Territories in the federal legislative process.

B) Legislative Powers:

• United States Senate holds significant legislative power including the approval of federal laws, treaties and presidential appointments.

Example: The Senate's role in confirming Supreme Court justices, as seen in the confirmation of Brett Kavanaugh in 2018.

• Pakistan Senate acts as a revising chamber, reviewing and amending legislation proposed by the National Assembly.

Example: The Senate can review and make amendments to bills passed by the National Assembly, enhancing the legislative process.

• Indian Rajya Sabha's legislative role is similar to the US Senate. It plays a crucial role in the legislative process, including approval of laws and Constitutional amendments.

Example: The Rajya Sabha's role in passing the historic Goods and Service Tax (GST) bill 2017.

c) Representation and Balance:

- United States Senate intended to represent states equally, ensuring that smaller states have an equal voice alongside larger ones.
- Example: Wyoming, with a small population has the same number of Senators as California, a populous state.
- Pakistan State aims to provide equal representation to the provinces to maintain a federal balance.

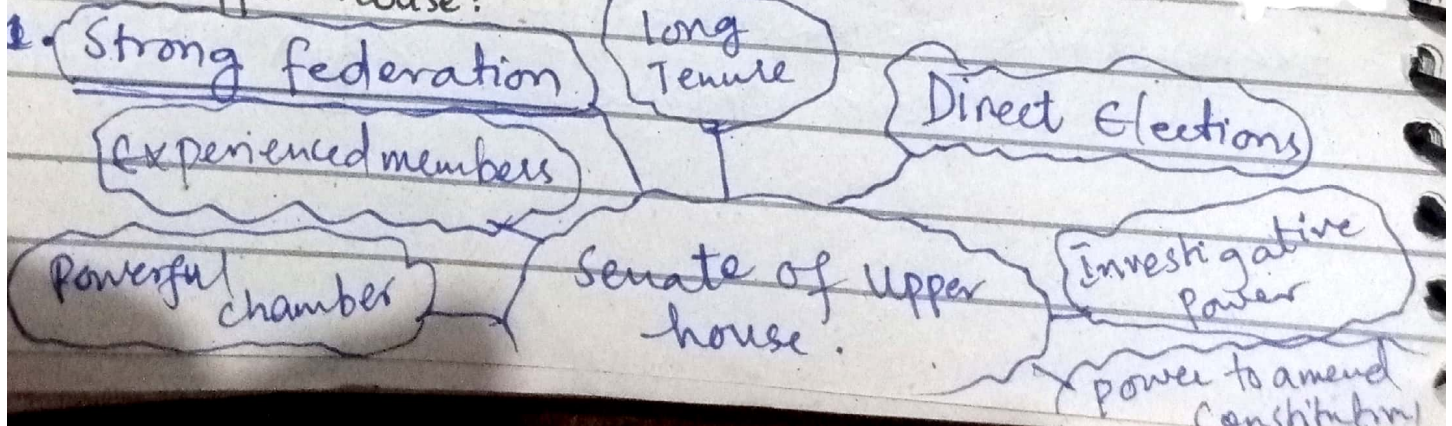
Example: Baluchistan, a less populous province, has a proportional number of Senators to Punjab, a more populous province.

- Indian Rajya Sabha reflects a mix of indirect representation of States and Union Territories to ensure federal cohesion.

Example: Puducherry, a Union Territory, is represented in the Rajya Sabha.

The comparative power of upper houses in different countries can depend on factors like constitutional framework, political culture, and specific roles and functions assigned to those institutions.

- Reasons for the power of Senate as the upper house:



Scholars such as David Mayhew, Thomas Mann and George Edward III have highlighted the Senate's importance and influence in various aspects of US governance. However, their views do not universally assert that US Senate is the "most powerful" upperhouse worldwide. Thus, this idea remains subjective and can vary depending upon one's perspective and criteria for measuring power. The influence and importance of a legislative body can be context-specific and may evolve over time.

Conclusion:

All the three Senates serve similar functions as upper houses, but they differ in their structure, methods of representation and specific legislative powers. The US Senate emphasizes state equality, the Pakistan Senate focuses on provincial representation and India Rajya Sabha balances representation between States and Territories. Thus, the comparative power of upper houses in different countries may vary depending upon their political culture, constitutional framework and the specific roles and functions assigned to these institutions.