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Discuss the salient features of the constitution of the USA.

Ans

Introduction:

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Constitution of the United States of America (USA) was adopted at Philadelphia Convention in 1789. Through all these years, this constitution has proven itself as one of the best constitutions in the world.

In the words of Calvin Coolidge, "Living under American constitution has been the best privilege that was ever accorded to the human race." This constitution, for the

first time, applied the concept of 'separation of powers' of the Montesquieu and proved it practicable.

Also, it is this constitution that adopted the concept of 'union without unity' and proved that successful form ^{is} of federation for the people living in the United States of America (USA).

Let's discuss salient features of the constitution of the USA.

① PROFILE OF THE USA

Population	~334 million
Area	~3800,000 Square miles
States	50
Government	Democratic
Political Philosophy	Separation of Powers
Special Feature	Check and Balances.
Form of Government	Presidential

② Salient Features of the Constitution of the USA:

A.1 Written Constitution:

Like most of other constitutions of the world, America's constitution is a written constitution. The framers of this constitution only provided the skeleton. The flesh was added by the customs, conventions, actions of

Congress, and historical judicial reviews.

2.2 Briefest Constitution:

American constitution is the briefest of all constitutions in the world. It has only 7 articles.

Constitution of India has 448 articles whereas constitution of Pakistan has 280 articles.

2.3 Rigidity:

Besides the briefest constitution, it is also the most rigid constitution in the world. The

process of amendment in the constitution (Article 5) is quite complex and lengthy.

An amendment bill can be moved in two ways and must be ratified by the three fourth of the states.

Therefore, due to this rigidity, only 27 amendments could be done in the American constitution in the past 200 years.

2.4 Federal Character:

The American constitution is federal in nature. The powers of the Centre are enumerated in the constitution whereas the residuary powers are given to the units. This arrangement creates a weak centre and strong units (states). However, in practice the centre is powerful due to the use of implied powers propounded by the Supreme Court under the necessary and proper clause or elastic clause (Article 1 Section 8 clause 18).

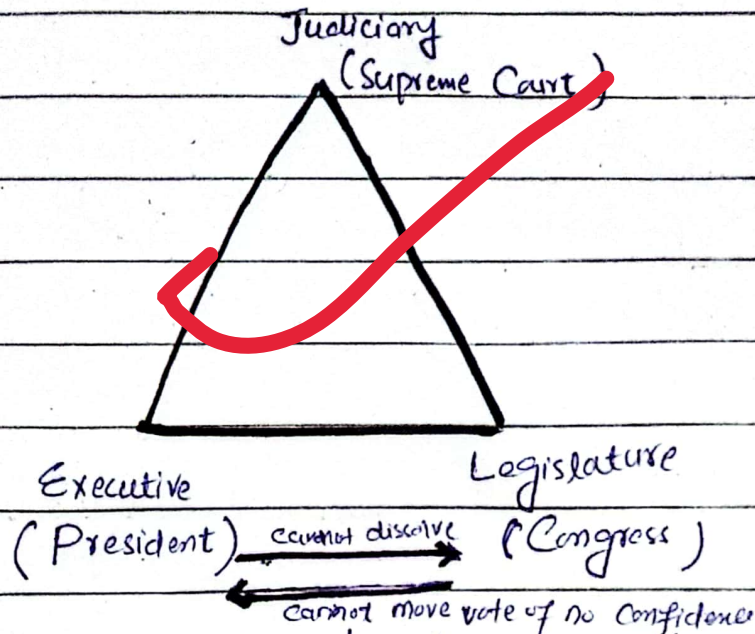
2.5 Separation of Powers:

“American Constitution was consciously and elaborately made an essay in the separation of powers and has been the most important polity in the world.”

— Samuel Finer

Although, it is not possible to

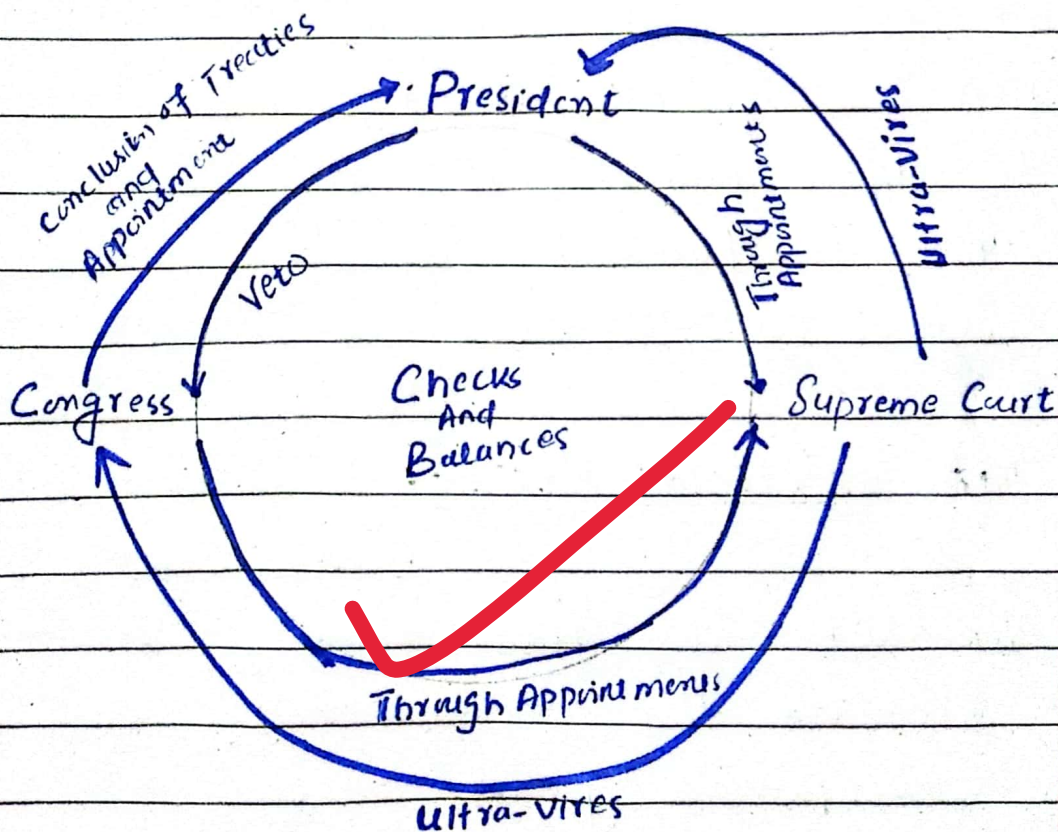
completely separate the three pillars of a state, yet effort has been made to keep them separate as much as possible.



President is the head of the executive and its duty is to implement laws (Art 8). Congress is the legislature which will only make laws (Art 1). Similarly, duty of the Judiciary is to interpret the laws made by Congress. Congress cannot move vote of no-confidence against the president. Similarly, the President does not have the authority to dissolve the Congress. Judiciary is above all and enjoys freedom.

2.6 System of Checks and Balances:

To avoid any possibility of tyranny by any institution, US political system has developed a system of Checks and Balances. Every institution keeps a check and balance on the other through different tools.



a) Checks of Executive Over Legislatures:

President can veto the bills passed by Congress with a simple majority.

b) Checks of Legislature over Executive:

Congress in the USA shares powers with the President over appointments and conclusion of treaties with the foreign countries. These appointments and treaties must be ratified by two-third of the Congress.

c) Checks of Judiciary:

Judiciary in USA is above all. It has the powers to declare null and void any bill that is passed by the Congress or signed by the President.

2.7 Judicial Review:

Supreme Court in the USA has the authority to interpret the constitutionality of law passed by the Congress or is an executive order. This power of review is not explicitly mentioned in the constitution rather it has become a custom after the historic review of the Supreme Court in

Murbery vs Madison case (1803).

2.8 Bill of Rights:

These are the first 10 amendments in the American constitution. These amendments were made to ensure the individual liberties of the citizens. These amendments are protected by the Supreme Court.

2.9 Presidential Form of Government:

US constitution provide for the presidential form of government.

President is the head of the state and executive. According to Article 2, section 1 of the constitution:

"The executive powers shall be vested in a president of the United States of America."

Add more arguments

Conclusion:

In a nutshell, it can be stated that American constitution is one of the best constitutions in the world. It has proved that federal form of government is a successful model of governance. Developing countries, like Pakistan, could learn a lesson from the American political system.

Good attempt overall!!!