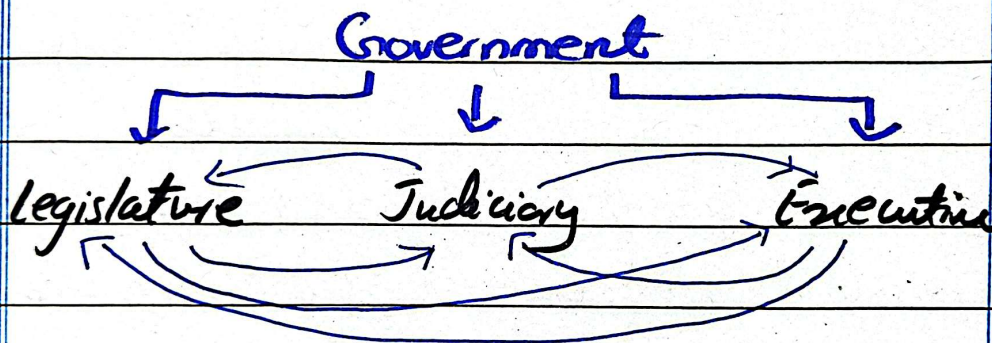


Q. What is the system of checks and Balances under the United States Constitution. (20)

1) Introduction:

The United States constitution follows the philosophical ideology of Trichotomy of powers also known as the separation of power. However, the US constitution does provide with a system of check and balances in order to maintain the correct and rightful form of government. The question of separation of power was first established by John Locke and Montesquieu aiming at the proper form of political system while criticising Plato's theory of ideal state. The system of check and balances

refer to one branch of government to be able to review or impose restrictions on the other branches' action in order to maintain a balance of power within a state.



## 2) System of check and Balance in American government:

The system of checks and balances was established in order to stop any form of branch of government into becoming too powerful on one another. This was all established to maintain an equal balance of power.



## a. Check and Balances for the Legislature branch:

The role of the legislature is to create a law in order to maintain harmony in the society.

### i. legislature check on Executive:

The legislature has several checks over the executive branch. The legislature can override Presidential veto's with a  $2/3$  majority. It has the power to impeach the President and also has the power to appoint presidents and approve treaties.

- Can impeach President.
- Can override Presidential veto.
- Appoint President.
- Can bring action against work of executive.
- Can approve treaties.

Discuss each of these by giving subheadings. Also give examples of

## ii. Legislature check on Judiciary:

- Legislature create lower courts
- Can remove Judges with impeachments
- Senate appoints Judges.

The legislature has the authority to create lower courts and can appoint a Judge as well as remove them with an impeachment hearing of the senate. if found of oversteering his/her powers in the court of law.

## b. Checks and Balances of the Executive Branch:

The role of the executive branch is to implement and administer the law created by the legislature and provide a reasonable objection or offender before the court of law.



## i. Executive check on Judiciary:

- President appoints Supreme court and Federal Judges.
- Can object act of duty.

The Executive branch has a check on the Judiciary whereas to the appointment of Judges and to the objection for any wrongful action of duty.

## ii. Executive check on Legislative:

- Veto power
- Can call special sessions of congress
- Can recommend Legislation

The executive carries of the President before can use the veto power to implement a special law and initiate a special congress session on a key issue.

## c. Checks and Balances of the Judicial Branch:

The role of the Judiciary is to interpret the law as said by the William Blackstone, "The role of the Judiciary is to implement and interpret law and not to make it". However, it can through Judicial Precedent.

### i. Judiciary checks on executive:

- Can execute a restriction on executive officer.
- Can bring ~~suo-moto~~ action.

The Judiciary has a vast power to interpret a law and bring any cause of action against the executive, hence called the ~~suo-moto~~ action.



## ii. Judiciary check on legislature:

- Can bring Judicial Review on any law.
- Can lay Judicial Precedent.

The Judiciary's vast power allows it to bring a Judicial Review against any law considered as the unconstitutional before the court of law. Along with this the Judiciary has vast power to not implement a law and lay a Precedent as a binding law over legislative enacted act.

## 3) Conclusion:

In conclusion, the American constitutional and political system is totally based on trichotomy of power with the concept of

Separation of power. In this however the branches of government still have the authority to maintain a check and balance to not let any branch become supreme to another. This form of government is considered the best with a proper balance of power.

09

Improve the structure and the references part