

The Constitution of U.S.

Q#1: Analyze the salient features of the Constitution of the United States of America.

Introduction:

The Constitution of the United States was adopted in 1787. It serves as the supreme law of the land and forms the foundation of the American political and legal system. The given analysis explores the salient features of the U.S. Constitution, highlighting its core principles, structural framework, and enduring relevance in contemporary governance.

Salient Features:

1. A Documented Constitution:

The Constitution of the United States of America is documented. It implies that the American Constitution is also present in a written form just like other federal constitutions in the world. It is a brief document consisting of only 7 Articles and 27 Amendments.

2. A Rigid Constitution:

The United States Constitution is probably the most rigid constitution in the world. It provides a very lengthy and cumbersome process for the amendment. As a result of such a complicated procedure, sometimes it takes years for an amendment to become effective. Every amendment, which can be moved in two different ways, must be ratified by three-fourths of the States. The rigidity of the Constitution is evident from the fact that only 27 amendments have been made since it came into operation.

3. Federal structure of Government:

The American Constitution is federal in character. It was originally a federation of 13 states. However, it later expanded and converted into a federation of 50 states with the admission of new states. An unambiguous constitutional division of powers exists between the Centre (federal government) and the federating units (states). The Constitution lists (enumerates) the powers of the Centre and leaves the residuary powers to be exercised by the states. This arrangement suggests a weak Centre, as the residuary powers lie with the units. However, in practice, the federal government in the United States has become very powerful due to the application of the doctrine of "implied powers," as interpreted and upheld by the Supreme Court of the United States.

4. Supremacy of the Constitution:

The Constitution is the supreme law of the land in the United States. Neither the federal government (Centre) nor the individual states can override its provisions. Any law or executive action that is inconsistent with the Constitution can be declared **null and void** by the Supreme Court through the process of judicial review.

5. The doctrine of separation of powers:

The U.S. Constitution is based on the **doctrine of Separation of Powers**. This doctrine aims at dividing the powers and functions of government among three independent

branches which are the Legislature, the Executive, and the Judiciary. While complete separation is not possible for effective governance, the Constitution makes a strong effort to keep them as independent as possible.

1. Legislature – The Congress

- The **Congress** is the legislative branch of the U.S. government.
- It consists of two houses: the **Senate** and the **House of Representatives**.
- It is responsible for making laws.
- The executive (President) is completely separate and does not interfere in legislative proceedings.
- The President cannot dissolve Congress and does not take part in debates.

2. Executive – The President

- The President is the head of the executive branch.
- He is directly elected by the people and is not a member of Congress.
- The President enjoys a fixed 4-year term.
- He cannot be removed by a vote of no-confidence before the end of his term.
- This independence ensures that the executive remains separate from the legislature.

3. Judiciary – The Supreme Court

- The Supreme Court is the head of the federal judiciary.
- It is independent and free from interference by the executive and legislature.
- It has the power to interpret the Constitution and declare laws or actions unconstitutional.

Modern Practice and Coordination

Although the U.S. Constitution attempts to keep the three branches separate, strict separation no longer exists in practice. Over time, especially since the **Roosevelt administration**, the President has come to play a major role in shaping legislative policy. This overlap ensures better coordination between the executive and legislative branches of the government.

6. Checks and Balances.

Recognizing the importance of close co-operation among the three organs of the government, the fathers of the constitution introduced a system of checks and balances, where each branch can limit the power of the others.

For example:

a. President (Executive)

- Can veto laws passed by Congress.
- Appoints federal officials and judges (but needs Senate approval).
- Makes treaties (but needs 2/3 Senate approval).

b. Congress (Legislative)

- Can override a veto with a 2/3 vote.
- Approves or rejects appointments and treaties.
- Creates federal courts and sets up the judiciary.

c. Supreme Court (Judicial)

- Can strike down laws or executive actions as unconstitutional.
- Judges are appointed by the President, approved by the Senate.

7. Bill of Rights:

The Constitution provides fundamental rights of person, property, and liberty to the denizens of the United States of America. However, it is noteworthy that these rights were not enumerated in the original draft of the constitution. They were later incorporated in the constitution through number of amendments. These rights cannot be modified or suspended except by a constitutional amendment.

8. Judicial Review:

The constitution provides for judicial review of the legislative enactments. The federal judiciary can declare any legislation or executive action null and void if it is found to be inconsistent with the provisions of the Constitution. Thus, the judiciary acts as the guardian and custodian of the Constitution and the fundamental rights of citizens.

9. Republicanism:

The U.S.A. is a republic with the President as the elected head of the State. The Constitution derives its authority from the people. Moreover, the constitution makes it binding upon every constituent State to have the Republican form of government.

10. Presidential:

The Constitution provides for the Presidential type of government in the U.S.A. All powers are vested in the President. Though the constitution provides for indirect election of the President but in practice his election has become direct. The President is not politically responsible to the Congress in the manner in which the executive is responsible to the legislature in England or India. He does not attend its sessions, nor initiates legislation directly, nor answers questions. The Congress cannot remove him during the term of his office which is fixed for four years. On the other hand, the President cannot dissolve the Congress, nor he may hold majority in it. The members of his Cabinet are neither members of the Congress nor answerable to it.

II. Dual Citizenship. The U.S. Constitution provides for dual citizenship for the people of the United States. An American is the citizen of the U.S.A. as also of the State wherein he or she is domiciled. It is in contrast with the idea of single citizenship as incorporated in the Constitution of India.

Q#2: Describe the process of the amendment of the Federal Constitution of the United States.

Or

Examine critically the rigidity of the U.S. Constitution.

Or

'The fathers of the American Constitution were cautious to avoid all possibilities of capricious alterations in the Constitution (Munro)'. In the light of this statement, discuss the nature of the U.S. Constitution.

Ans. One of the essential features of federalism is the rigidity of the constitution. The U.S. Constitution fulfils this requirement to a remarkable degree. **Article-5** of the constitution lays down a very cumbersome and difficult procedure for its amendment. There are two methods by which amendments may be carried. They are as follows:

1. An Amendment may be proposed by two-thirds majority in each House of the Congress (House of Representative and the Senate). Once proposed, the amendment must be ratified by three-fourths (two-third) of the total number of the States (38 out of 50). The ratification may be done either by State legislatures or by special conventions held in the States for this purpose. The mode of ratification is to be determined by the Congress. (Note: Most common method. All 27- Amendments passed through this process).
2. The States themselves may take the initiative in proposing amendments. If two-thirds of all the State legislatures (38 out of 50) apply to the Congress for this purpose, the Congress calls a constitutional convention which shall propose the amendment on the basis of the original recommendation. These amendments must be ratified by 3/4th of all the States either through their legislatures or at specially called conventions. The mode of ratification is to be determined by the Congress.

Once ratified, the amendment becomes a part of the U.S. Constitution.

Some Peculiarities of Amendment Procedure:

- (a) The constitution did not define any time limit for ratifying the constitutional amendments. This results in a great delay in their passage and implementation. For example, One State ratified a proposal after 80 years. However, the Congress by its resolution can place a time limit on ratification. For example, in the case of 18th, 20th and 21st amendments, it clearly laid down that the amendment would be lost if not ratified by the required number of States within 7 years.
- (b) If a State ratifies an amendment, it cannot go back. However, if it rejects it, it can ratify it later provided it feels like revising its decision.
- (c) Moreover, there are certain provisions which cannot be amended. For example, the right of equal representation in the Senate given to each State cannot be taken away without the consent of the concerned State.

Criticism of Amending Process :

- (1) The system of amending the U.S. Constitution is extremely rigid. Between 1789 and 1965 nearly 1900 proposals of constitutional amendment were moved, but only 24 were finally accepted. This reveals that the U.S. Constitution lacks the virtue of adaptability with the change of time.
- (2) Undue rigidity sometimes hampers the path of democratic forces. For example, if an amendment is ratified by 35 States which, may have an absolute majority of the American population, the opposition of one small State can stop it from being effective. Hence, the U.S. Constitution envisages consent of the States and not the population. This is considered to be against the spirit of democracy. The minority shall defeat the majority.
- (3) The procedure for amendment is extremely difficult. It is not even easily possible to secure two-thirds majority in the Congress in favor of a constitutional amendment. Out of all the proposals made for constitutional amendment, only 27 could be passed by two-thirds majority in the Congress. Out of these 27 proposals, only 22 were ratified by the required number of States. Therefore, It has been suggested that only majority vote in the Congress and subsequent ratification by two-thirds of the States should be made necessary for constitutional amendments. But this suggestion has not been seriously considered.

Despite much of criticism, the American people have proved to be flexible, and have changed the constitution if it was demanded by the times. Between 1913 and 1933 alone, for example, 6 major amendments were effected.

Q#3: Discuss the powers and position of the American President.

Or

'The President of the United States governs but does not reign.' Elucidate.

Introduction:

It is often remarked that the President of the United States wields the largest amount of authority ever wielded by anyone in a democracy. Haskin declares that the President of the United States is the foremost ruler in the world. He enjoys real and effective powers as contrasted with the powers of the king or Queen of England or the President of the Indian Republic. The President of America enjoys extensive executive, legislative, financial, and judicial powers which are discussed as follows:

EXECUTIVE POWERS:

Chief Administrator: The President is the head of the national administration, and all executive actions of the country are carried out in his name. The President is responsible for enforcing all federal laws, court decisions, and treaties across the United States. He ensures the implementation of the Constitution and protects the nation's property, and institutions. To fulfill these duties, he may deploy the armed forces when necessary.

Commander-in-Chief: The President is the Supreme Commander of the armed forces of the United States. He is responsible for the defense of the country. He appoints military officers with the advice and consent of the Senate and can remove them at will. Although the power to declare war rests with Congress. However, the President can make war necessary through his conduct in administration. During wartime, his military powers expand significantly. He becomes the sole authority in charge of war operations.

Dictator of Foreign Relations: The President of the United States holds a dominant position in foreign policy, often termed the "dictator of foreign relations." He formulates foreign policy, and negotiates treaties (requiring Senate ratification). He appoints diplomats, receives foreign envoys, and has the sole authority to recognize foreign states.

Appointments: The U.S. President has the power to appoint federal officials, including ambassadors, judges (especially Supreme Court justices), and cabinet members. These appointments require the advice and consent of the Senate, usually through confirmation hearings and a majority vote. However, the President can also make temporary appointments during Senate recesses, known as recess appointments

LEGISLATIVE POWERS:

The Constitution also grants limited legislative powers to the President of the U.S. The President does not possess the authority to dissolve the Congress. He cannot initiate any Bill directly in the Congress. The Congress is the real law-making body. The President may only request the Congress for enactment of a particular law. Congress may make laws against the will of the President, but he must execute them. The President is also not the leader of the majority party in the House, unlike the British or Indian Prime Minister. However, the position is not so desperate as it appears to be. During the course of time, the President has acquired a vital share in legislation. Some of his legislative powers may be summed up as follows:

Veto Powers: All Bills passed by the Congress must be referred to the President for his final approval. The President can deal with them in three different ways:

- (a) He may give his assent to a Bill referred to him and the Bill will become an Act.
- (b) He may reject a bill and return it to the House with or without his suggested amendments. In such a case, if the bill is re-passed by a two-thirds majority in each House of Congress, the President is then obliged to give his assent. This represents a direct legislative power held by the President.
- (c) The President may choose not to sign the bill and simply retain it. If he takes no action for ten days (excluding Sundays) while Congress remains in session, the bill automatically becomes law without his signature. However, if he takes no action for ten days and Congress adjourns the session, the bill not become law. This indirect way of rejecting a bill is known as a pocket veto.

Special Sessions: The President has the authority to convene special sessions of Congress. For example, in 1913, several important laws were passed during special sessions called at the request of President Wilson. However, with the adoption of the Twentieth Amendment and its

new legislative calendar, the need for special sessions has decreased, as the gap between regular sessions has been shortened.

Delegated Legislation: In addition to his significant influence over Congress, the President also has the authority to legislate through executive orders. These are rules made by the President that have the same effect as law. Often, Congress passes laws in broad terms and leaves the details to be worked out by the executive branch. This process is known as delegated legislation or rulemaking. In recent years, the use of this power has grown significantly. For example, President Franklin D. Roosevelt made extensive use of it, issuing 3,703 executive orders before 1941, while Congress passed 4,553 laws during the same period.

FINANCIAL POWERS:

Although Congress is in charge of federal finances, the President controls them in actual practice. The Budget is prepared under the direct supervision of the President. It is then placed before Congress which can amend it in any way. However, the general practice reveals that the budget is passed without any amendment. This is because most members of Congress find it difficult to understand the details of the Budget. Thus, in this way, the President acts as a general manager of the financial affairs of the government.

JUDICIAL POWERS:

Like other heads of government, the President of the United States has the power to grant pardons, reprieves, or amnesties to people convicted of federal crimes, except for those impeached by the Senate. However, he cannot grant pardons for crimes under state laws. The President also appoints Supreme Court judges, but these appointments require the Senate's approval, giving him some influence over the judiciary.

Conclusion:

The President of the United States is one of the most powerful heads of state in the world. Unlike the ceremonial roles of the Indian President or the British Monarch, his powers are real and effective. As Sir Henry Maine noted, "the American President rules but does not reign." The Constitution granted him many powers once held by the British King, only limiting those seen as excessive. President Wilson emphasized that the President is the only national political voice, elected by the entire country and representing the whole nation. He plays both a ceremonial and executive role, and as Laski observed, the U.S. President is both more and less than a king or prime minister—his role is truly unique.

Q#4: Compare and contrast the powers and functions of the American President with those of the Indian & British Prime Minister.

1. Term of Office and Security of Tenure:

- **American President:** Has a fixed term of 4 years, and can serve a maximum of two terms. He cannot be removed before term-end except by impeachment, which is a difficult and rarely successful process.

- **Indian Prime Minister:** Not elected for a fixed term; serves as long as he enjoys the confidence of the Lok Sabha (lower house of Parliament). Can be removed easily through a vote of no-confidence.
- **British Prime Minister:** Similar to the Indian PM, holds office at the pleasure of the majority in the House of Commons and may be removed through a vote of no-confidence.

Thus, the American President enjoys greater security of tenure compared to both Prime Ministers who can be removed relatively easily by Parliament.

2. Mode of Appointment/Election:

- **American President:** Elected indirectly by the people through the Electoral College, but this process is designed to reflect the popular vote.
- **Indian Prime Minister:** Appointed by the President of India from the majority party in the Lok Sabha.
- **British Prime Minister:** Formally appointed by the Monarch but, in practice, is the leader of the majority party in the House of Commons.

Thus, the American President's legitimacy comes more directly from the people, while both Prime Ministers derive power from their party's majority in the legislature.

3. Position as Head of State and Government:

- **American President:** Combines the roles of Head of State and Head of Government.
- **Indian Prime Minister:** Only the Head of Government. The President of India is the Head of State.
- **British Prime Minister:** Also only the Head of Government. The British Monarch is the Head of State.

Thus, the American President wields both ceremonial and executive powers, while in India and Britain, these roles are separated.

4. Responsibility to the Legislature:

- **American President:** Not responsible to the legislature; not a member of Congress. He cannot be removed by it (except via impeachment).
- **Indian Prime Minister:** Fully responsible to the Lok Sabha and is usually a member of it.
- **British Prime Minister:** Also responsible to the House of Commons and must be a member of it.

Thus, the President of the U.S. operates on a principle of separation of powers, whereas both PMs function under a parliamentary system of accountability.

5. Legislative Influence:

- **American President:** Cannot introduce bills and often faces gridlock if Congress is dominated by the opposition party.
- **Indian Prime Minister:** As leader of the majority party, he can steer legislation smoothly through Parliament.
- **British Prime Minister:** Similarly, with a parliamentary majority, can easily pass legislation.

Thus, the American President's legislative power is indirect and limited, whereas PMs in both India and the UK are more effective legislators due to party control.

6. Appointment Powers:

- **American President:** Appoints key officials (e.g., judges, ambassadors) but often requires Senate approval.
- **Indian Prime Minister:** Exercises full control over appointments; President acts on PM's advice.
- **British Prime Minister:** Similarly, advises the Monarch on appointments, which are effectively made by the PM.

Thus, the American President's appointments are constrained by checks and balances, whereas the Indian and British PMs operate with fewer institutional restraints.

7. Source of Powers:

- **American President:** Derives authority directly from the U.S. Constitution.
- **Indian Prime Minister:** Powers are based on constitutional conventions and parliamentary supremacy, though supported by the Constitution.
- **British Prime Minister:** Functions entirely based on conventions and statutes, as the UK has no single written constitution.

Thus, the American system is rigid and constitutionally bound, while the Indian and British systems are more flexible and convention-driven.

8. Role of the President:

- **American President:** Real executive head, with substantial independent powers.
- **Indian President:** Titular head, bound to act on the advice of the Prime Minister and Cabinet.
- **British Monarch:** Also a ceremonial figurehead, with real power resting with the Prime Minister.

Thus, the U.S. President is an active executive, unlike the ceremonial heads in India and the UK.

9. Emergency Powers:

- **American President:** Cannot interfere with state governments under normal conditions; powers are limited to federal jurisdiction.
- **Indian President:** On advice of the Union Cabinet, can declare President's Rule in a state and take over its administration during emergencies.
- **British PM:** Cannot override devolved governments (e.g., Scotland, Wales) unilaterally, but Parliament can legislate across the UK.

Thus, the Indian President (via PM) has stronger centralized emergency powers than the American President or British PM.

Conclusion:

The American President, though often considered one of the most powerful leaders globally, functions within a system of checks and balances that often restrict his freedom of action, particularly if the Congress is oppositional. In contrast, the Indian and British Prime Ministers, operating under parliamentary systems, are more directly empowered through legislative majorities, which gives them greater day-to-day control over government policy and lawmaking.

Q: How does the system of Checks and Balances work in the US political system? Explain with examples.

Introduction

The system of checks and balances is a fundamental principle embedded in the United States Constitution. It ensures that the powers of government are divided among the three branches—Executive, Legislative, and Judicial—so that no single branch becomes too powerful. Each branch has specific powers to check the actions of the other. This ensures accountability, prevents abuse of power, and preserves the democratic fabric of governance.

1. The Concept of Separation of Powers:

The US political system is grounded in the theory of separation of powers, as advocated by political philosophers like Montesquieu. According to this principle:

- The **Legislative Branch** (Congress) makes laws.
- The **Executive Branch** (President) enforces laws.
- The **Judicial Branch** (Supreme Court and other courts) interprets laws.

2. Mechanisms of Checks and Balances:

A. Legislative (Congress) Checks:

- **On the Executive:**
 - Congress can override a presidential veto with a two-thirds majority in both houses (e.g., the override of President Trump's veto of the National Defense Authorization Act in 2021).
 - The Senate confirms presidential appointments and ratifies treaties.
 - Congress can impeach and remove the president (e.g., the impeachment trials of Presidents Bill Clinton and Donald Trump).

- **On the Judiciary:**
 - The Senate confirms judicial appointments.
 - Congress can propose constitutional amendments to overturn judicial rulings.
 - Congress can alter the jurisdiction of federal courts.

B. Executive Checks

- **On the Legislature:**
 - The President can veto legislation passed by Congress (e.g., President Obama's veto of the Keystone XL Pipeline Approval Act in 2015).
 - The President can call special sessions of Congress.
- **On the Judiciary:**
 - The President appoints federal judges, including Supreme Court justices.
 - The President has the power to grant pardons and reprieves.

C. Judicial Checks

- **On the Legislature:**
 - Courts can declare laws unconstitutional through judicial review (e.g., *Marbury v. Madison* (1803), where the Supreme Court established the principle of judicial review).
 - Recent example: The Supreme Court striking down parts of the Voting Rights Act in *Shelby County v. Holder* (2013).
- **On the Executive:**
 - Courts can rule executive actions unconstitutional (e.g., *United States v. Nixon* (1974), where the Court limited presidential immunity).
 - In *Department of Homeland Security v. Regents of the University of California* (2020), the Court blocked the Trump administration's attempt to end DACA.

3. Importance in Democratic Governance

Checks and balances act as a safeguard against tyranny and arbitrary rule. They compel the branches to cooperate and negotiate, fostering a balance of power and protecting individual liberties. While this system may lead to gridlock, it also promotes deliberation and prevents hasty decision-making.

Conclusion

The US system of checks and balances is a hallmark of its constitutional democracy. By allowing each branch to limit the powers of the others, it ensures that governance remains accountable, law-bound, and responsive to the people. This dynamic interplay between the branches remains essential for the preservation of liberty and the rule of law in the American political system.

Q#5: 'The Senate of the U.S.A. is the most powerful Second Chamber in the world.'
Discuss.

Or

'The Senate is the only example in the world of a Second Chamber that is incontestably more powerful than the first and more popularly elected House.' Elucidate.

Ans. The powers and functions of the Senate prove beyond any shadow of doubt that it is not just more powerful than the Lower House, but it is also the most powerful Second Chamber in the world. The following points clearly prove the strength of the U.S. Senate:

1. Direct Executive Powers: The Senate is the only legislative organ in the world which enjoys some direct executive powers. It shares with the President his power of making top-ranking appointments and through this privilege, it controls the internal administration of the federal government. Then no treaty or agreement with a foreign State concluded by the President is valid without ratification of the Senate. Through this power, the Senate controls the external policy of the President. It is to be noted that these powers are exclusively exercised by the Senate. The House of Representatives has nothing to do with them. This difference raises the prestige and dignity of the Senate and indirectly lowers the prestige of the House.

2. Absence of Parliamentary Government: The absence of Parliamentary form of government has also indirectly helped the Senate to acquire a domineering position over the House. In countries with Parliamentary form of government, the Lower House attains a higher status than the upper one, on account of the fact that it has control over the executive. In the U.S.A. the position is rather reverse. It is the Upper House which has some control over the executive and the Lower House is devoid of any such power.

3. Small Membership and Long Tenure: The membership of the Senate is small but its tenure is long. On the other hand, the membership of the House of Representatives is large and tenure is short. The Senate consists of only 100 members. This small size makes it really a more deliberative body and adds to its importance. The House of Representatives is an unwieldy body consisting of 435 members. The large size of the House make its deliberations, less effective. Then the Senators are elected for a term of six years whereas members of the House are elected only for a short term of 2 years. The Senators are, therefore, not worried about their elections after every two years. Moreover, during a brief span of two years, no party can do full justice to its programme and policy. The constitutional practice in the United States shows that the Lower House has to concede much to the Senate in order to expedite business.

4. Membership consists of Senior Politicians: Senior politicians and men with legislative experience and wider knowledge of public affairs, usually aspire to the membership of the Senate because of its longer term and greater prestige than the Lower House. The result is that the Senate becomes superior to the Lower House in intellectual quality, legal talents and political wisdom.

5. Direct Election of Senators: Unlike the members of the Second Chambers in England, India or Canada the U.S. Senators are directly elected by the people. It is a matter of common experience that an indirectly elected Upper Chamber finds it difficult to resist the will of the Lower House which is elected by the direct vote of the people in these countries. But in U.S.A. the Senate can claim its equally representative character with the House. The latter is, therefore, not in a position to dominate the former.

6. Equal Legislative and Financial Powers: The Senate enjoys equal powers in the legislative and financial spheres with the House both in theory and practice. In England, India or Canada, the Upper House is given a lesser authority than the Lower House. Since in United States, both the House of Representatives and the Senate have equal and co-ordinate powers regarding ordinary and financial legislation, the deadlocks are frequent. In order to resolve such deadlocks, a Conference consisting of equal members from both the Houses is constituted. The legislative history of Congress shows that it is the Senate's view-point which ultimately prevails. It is natural because the Senate consists of seasoned statesmen and stalwart politicians.

7. Greater Freedom of Speech: The Senators enjoy greater freedom of speech than the members of the Lower House. A Senator can go on speaking for any length of time. This enables a full-length debate on every matter and every measure is discussed from all view-points.

8. Court of Impeachment: The Senate has the sole right to try impeachments against the President, the Vice-President and other, high officials of the state, both civil and political.

F.J. Haskin sums up the position of the Senate as follows:

"There are things which the President and the Senate may do without the assent of the House of Representatives, and things which the Senate and the House may do without assent of the President yet the President and the House can do comparatively a little without the assent of the Senate."

All these facts prove that no other Second Chamber including the British House of Lords, the Indian Rajya Sabha and the Canadian Senate enjoys as much powers as are enjoyed by the Senate of America.

Defects in the Senate:

There are critics who point out certain defects in the Senate. Some of them may be pointed out as follows:

(a) Unrestrained freedom of speech in Senate leads to unnecessary wastage of time and energy.

(b) The 'Senatorial Courtesy' is only another name for favouritism and nepotism.

(c) The U.S. Senate is based on the principle of equality of representation to all constituent States irrespective of size and population. To many, this equality among un-equals appears to be unreasonable and undemocratic. This geographical representation gives to the States with one-eighth of total population more than half the Senators.

(d) The Senate does not represent the specific interests of the States since all decisions are taken by it on party lines. The Senators now do not consider themselves as ambassadors of their States. They deem themselves to be representatives of the nation and not of States which they represent

Q#6: Describe the composition the U.S. Supreme Court. (Note: It's not important. Only for knowledge, give it a read.)

The Supreme Court of the U.S.A. is the highest judicial, tribunal in the federation. All the judicial powers of the federation in this court and other inferior courts to be established by the Congress. The number of judges of the Supreme Court has not been fixed by the Constitution. Formerly there were six judges, but now there are nine, including the Chief Justice although the number can be increased or decreased as and when necessary by a law of the Congress. The number of judges has stayed at 9 for the last fifty years. President Roosevelt wanted the Congress to increase the number of judges to 15 but the Congress refused to oblige him.

Appointment Of Judges: Like all other high-ranking appointments, the judges of the Supreme Court are appointed by the President with the consent of the Senate. The Senate confirms the nominations of the President after a good deal of scrutiny. The Judiciary Committee of the Senate makes a careful examination of nominations made by the President. The report submitted by the Committee is then considered by the Senate as a whole. When the 2/3rd majority of the members of the Senate give their approval, the President issues the commission. As a result of this procedure, the judges of the Supreme Court have been, with a few exceptions, lawyers of distinction and men of great caliber although no regular qualifications are prescribed by the Constitution.

The judges once appointed enjoy perfect security of service. They hold office during good behaviour and cannot be removed except by impeachment. Their salaries and emoluments cannot be altered during the course of their service to their disadvantage. No age of retirement is fixed by the constitution.

Q#7: Describe the powers/functions the U.S. Supreme Court

Introduction:

The United States Supreme Court, as the apex judicial body established under Article III of the U.S. Constitution, possesses significant powers that make it a vital organ in the American political system. Its authority extends not only over legal matters but also influences political and constitutional development. The key powers of the U.S. Supreme Court are as follows:

Powers of the US Supreme Court:

(1) Judicial Review

The most significant power of the Supreme Court is judicial review, established in *Marbury v. Madison* (1803). Through this power, the Court can declare federal or state laws, executive actions, and lower court decisions unconstitutional, thereby acting as the guardian of the Constitution.

(2) Interpretation of the Constitution

The Court serves as the final interpreter of the U.S. Constitution. Its judgments define the scope and application of constitutional provisions, often with far-reaching consequences for American political and social life. Through landmark decisions—such as *Brown v. Board of Education* (1954), which declared racial segregation in public schools unconstitutional—the Court has shaped civil rights, federalism, and the balance of powers. Its interpretations serve as binding precedent for all other courts and influence public policy and legislative behavior.

(3) Appellate Jurisdiction

The Supreme Court primarily functions as an appellate court, hearing cases from lower federal courts and state supreme courts. It selects cases with significant constitutional or federal importance, often through the writ of certiorari.

(5) Original Jurisdiction

Although the Supreme Court primarily serves as an appellate court, the Constitution grants it original jurisdiction in a limited number of cases. These include disputes involving ambassadors, public ministers, consuls, and cases in which a U.S. state is a party—particularly interstate conflicts. Such cases are brought directly before the Supreme Court without being heard by lower courts first. This function reinforces the Court's role as an impartial arbiter in matters of national and interstate significance.

(6) Protector of Civil Rights and Liberties

The Court plays a vital role in upholding civil rights and liberties by reviewing laws related to speech, religion, due process, and equal protection, ensuring governmental accountability.

The Constitution of UK

Q#1: Describe the salient features of UK constitution.

Introduction:

The British Constitution is one of the oldest and most distinctive constitutional systems in the world. Unlike many modern constitutions, it is not found in a single written document, but is instead a complex blend of statutes, common law, conventions, and authoritative texts. This unique and flexible structure has evolved over centuries, reflecting the gradual development of British political institutions and legal principles. In this discussion, we will explore the salient features that define the British Constitution, highlighting what sets it apart from other constitutional models.

Salient Features:

The salient features of the Constitution of the UK are enumerated and discussed as follows:

(1) Unwritten Nature

The most striking feature of the British Constitution is its unwritten character. It is not codified in a single legal document like the constitutions of the United States or India. Instead, it comprises various sources including statutes, common law, conventions, and authoritative works. Despite being unwritten in a formal sense, it remains a functioning and effective constitutional system.

(2) Evolved:

The English Constitution is child of evolution. It was never enacted in the form of laws by any constitution-framing body duly elected by the English people at any stage of history. It has grown like an organism and developed from age to age. As Munro points out, "the British Constitution is not a completed thing but a process of growth. It is a child of wisdom and chance whose course has sometimes been guided by accident and sometimes by high design."

(3) Unitary State:

The United Kingdom is a unitary state, which means that the central government holds supreme authority. However, with the advent of devolution, certain powers have been transferred to Scotland, Wales, and Northern Ireland, introducing a quasi-federal element to the constitutional arrangement.

(4) Flexible:

The British Constitution is a classic example of flexible constitution. Since no distinction is made between a constitutional law and ordinary law, it can be passed, amended and repealed by simple majority of Parliament. The element of flexibility has lent the virtue of adaptability and adjustability to the British Constitution. This quality has enabled it to grow with the needs of time

(5) Parliamentary system of government and Sovereignty of Parliament:

It establishes a Parliamentary system of government. Parliament is sovereign. The executive powers are exercised by the Cabinet which is a committee of Parliament and is collectively responsible to the House of Commons. It can be removed by a vote of no-confidence passed by the House of Commons. It differs from the Presidential form of Government as it prevails in the U.S.A., where the President is independent of the Legislature. In Britain, the Executive is subordinate to Parliament.

At the core of the British Constitution lies the principle of parliamentary sovereignty. This means that the Parliament is the supreme legal authority in the UK and can make or repeal any law. No other body, including the judiciary, can override or set aside an Act of Parliament.

(6) Rule of Law:

Another most important feature of the British Constitution is the Rule of Law. It means that all persons are equal before law irrespective of their position or rank. This doctrine emphasizes the supremacy of the law and not of any individual.

(7) Constitutional Monarchy:

UK operates under a constitutional monarchy where the monarch is the ceremonial head of state. Real executive power resides with the elected government, headed by the Prime Minister. The monarch acts on the advice of ministers and plays a symbolic and unifying role in national life.

(8) Separation of Powers (Partial):

The British Constitution does not separate the powers of the executive, legislature, and judiciary. However, it maintains a functional division. The fusion of powers between the executive and legislature is evident in the cabinet system, but judicial independence is strictly maintained.

(9) Judicial Review (Limited):

Unlike in many other democratic systems, British courts do not have the authority to declare Acts of Parliament unconstitutional due to the principle of parliamentary sovereignty. However, judicial review does exist in administrative law, especially in reviewing actions of the executive.

(10) Role of Conventions:

A necessary corollary to the unwritten character of the constitution, the conventions play a vital role in the British political system. For example, while the Queen has the prerogative to refuse assent to a measure passed by Parliament, by convention, she cannot do so and the same has become a , rigid principle of the constitution itself. By conventions again, the Queen cannot go against the advice of the Cabinet, even though this rule is not found in any statute.

Q#2: State clearly what you understand by the term 'Crown' in the English Constitution. Discuss the powers of the Crown.

Or

'The King or Queen of England reigns but does not rule'. Examine the nature of the British Monarchy in the light of the statement.

(Note: Crown is analogous to the President of Pakistan. As we have the President, the UK has Crown. He is only the ceremonial head of the state)

In the UK's constitution, the term "Crown" does not merely refer to the monarch as a person; rather, it stands for the authority and power of the state. It represents the government as a whole, including the Judiciary (Crown-in-Courts), the Executive (Crown-in-council), and the Legislature (Crown-in-Parliament). The Crown ensures that the government functions lawfully and consistently. Thus, it is a symbol of the unity of the state, and the source of lawful authority in the UK.

Powers of the Crown:

The Crown enjoys extensive and far-reaching powers under the constitutional framework of the UK. These powers may be grouped under the following heads:

1. Legislative Powers:

a. Role in Parliament

The British Parliament is composed of the King (or Queen) and the two Houses of Parliament. The Crown has the authority to summon, prorogue, and dissolve Parliament.

b. Royal Assent

All Bills passed by Parliament must receive the formal approval of the King or Queen.

c. Speech from the Throne

Each parliamentary session begins with a speech from the throne, delivered by the Crown. This speech outlines the general policy and legislative program of the government.

d. Ordinances for Crown Colonies

The Crown has the authority to issue ordinances that apply to Crown colonies, exercising legislative power over these territories.

2. Executive Authority of the Crown:

The Crown is the chief executive authority of the state, and the entire administration operates in the name of His Majesty or Her Majesty.

a. Enforcement of Laws:

The Crown is responsible for the enforcement of all national laws, ensuring that the legal system functions throughout the country.

b. Appointment and Dismissal of Officials:

The Crown appoints all high-ranking officials of the government and has the authority to dismiss them at will. However, it is important to note that the Crown has no authority to dismiss judges at his will; rather, they can only be removed through a resolution passed by both Houses of Parliament. Additionally, the King is the Supreme Commander of the armed forces. In this role, all appointments in the army, navy, and air force are made by him.

d. Foreign Affairs and Diplomacy:

The Crown conducts the foreign relations of the country and manages affairs with dominions and other dependencies. It appoints and receives ambassadors, ministers, consuls, and other diplomatic representatives.

e. War and Treaties:

The Crown has all the power to declare war, conclude peace, and make treaties with foreign countries. These actions can be taken without consulting Parliament.

2. Judicial Powers:

The Crown is the fountain of justice. The whole judicial system operates in the name of the King. It appoints all the judges but it cannot dismiss them at his will. They can only be removed through a resolution passed by both Houses of Parliament. It also enjoys the powers of pardon and reprieve.

3. Ecclesiastical Powers:

The Crown is the head of the Church of England. It is the defender of the Faith. It makes appointments of archbishops, bishops, and other church dignitaries. It summons church conventions.

Theory vs Practice

Though, all the powers mentioned above are exercised in the name of the Monarch, yet these are all powers of the Crown (The Parliament). The king is merely a ceremonial part of the Crown. The king is a rubber stamp which is affixed on orders issued by the ministers. The king is a figurehead because he cannot even refuse to agree with the ministers in any matter.

- Appointment of officials is recommended by the cabinet and PM and the king by convention has to approve it.
- Negotiation of agreements, treaties, declaring war and making peace are theoretically done by king but in practice the cabinet and PM perform all these.
- The monarch creates all peerages, appoints members of the orders of chivalry, grants knighthoods and awards other honours but most of these are done on the advice of PM.
- All laws and bills are normally initiated by the cabinet and only ceremonially approved by the king.

Therefore, it is evident that the king or queen of England in reality has become a titular or ceremonial head while the actual power rest in the hands of PM and his cabinet.

Cabinet in UK

Introduction:

The Cabinet is defined as a body of Royal advisors, chosen by the PM in the name of the Crown. Its members must be part of either of the Houses of Parliament and belong to the party in power in the Lower House (The House of Commons). Cabinet is the real power holder in UK. It is called “the steering wheel of the state”. It is a small body of ministers who take all decisions regarding the policy of the government. King or Queen is the nominal head of the state while the real responsibility of carrying the administration falls on the shoulders of the cabinet.

Cabinet Development in England:

Cabinet system is the greatest contribution of English people to the art of government. During Norman rule in England Curia Regis or Royal Council came into existence. During the reign of Edward VI, its name was changed and it came to be known as Privy Council. The Cabinet is the child of the Privy Council. The Cabinet system further developed during the reign of William III and Queen Anne. The principle of party government was established during this period. During the reign of George I, the office of Prime Minister came into existence.

Difference between Privy Council and Cabinet:

- Privy Council is a defunct body consisting of 359 members while Cabinet is fewer. Thus, Privy Council is a bigger body while Cabinet is a small body of Ministers.
- All cabinet Ministers are the members of the Privy Council because till now law does not recognize the Cabinet. No One is officially appointed as Cabinet Minister.
- Ministers are first appointed as Privy Councilor and then summoned to Cabinet meeting.
- The work of the Privy Council is of formal character.
- The meeting of the Privy Council is only convened when there is the Coronation of the King/Queen or other such ceremony while normally, 4 or 5 Cabinet Ministers who are also Privy Councilors meet at Buckingham Palace and act in the name of Privy Council.

Difference between Cabinet and Ministry

The cabinet is also different from Ministry in UK in the following respect.

- Ministry is a body that includes all Cabinet members.
- The Ministry consists of all Ministers who are members of either House of Parliament and are responsible to it for their policies while the Cabinet is smaller body consisted of the important ministers selected by the PM.
- They hold the office as long as they enjoy the confidence of the House of Commons.
- There are more than sixty ministers in the Ministry but there are sixteen to twenty five Ministers who enjoy the Cabinet rank.
- The Ministry does not meet as body for the transaction of government business or formulate policies while the Cabinet as a body meets to formulate the policies of the government.
- A minister is merely the head of a department and has no role in policy making while Cabinet takes decisions and communicate them to the ministers.

Ministers of Cabinet

The following ministers are taken into cabinet:

- First Lord of the Treasury: That is the Prime Minister himself.
- The Chancellor of Exchequer:
- The Minister of Defense.
- The Secretary of the State for Foreign Office.
- The Secretary of the State of Home Office.
- The Secretary of the State for Commonwealth Relations.
- The Secretary of State for Colonial Office
- The Lord President of the Council
- The Lord Privy Seal.

Formation of Cabinet

- After the general election, the King/Queen asks the leader of the majority party, the Prime Minister, to form the ministry.
- The cabinet members must be member of either of the House of Parliament.
- The PM puts up a list of ministers, especially, the important and senior members of his party, to the king/queen for appointment. Approval of king or queen is a ceremonial, by convention the king or queen has to approve the recommended ministers.
- **Role of King:** Although the king/queen does not have key role in formation of the cabinet but if the cabinet resigns, the king is free to ask the leader of opposition and appoint him as PM. The king has freedom when no single party wins absolute majority in the House of Commons or when the PM resigns or dies. E.g. in 1984 when Gladston resigned, Queen Victoria appointed Lord Rosebery.
- **Role of PM:** PM is central to the formation, continuance and dismissal of the cabinet. If a minister differs with his policy, he resigns from the cabinet. By Convention of 1923, the PM must belong to the House of Commons. In 1923, the king appointed Mr. Baldwin because he belonged to the House of Commons and set aside the claim of Lord Curzon because he was from the House of Lords.

Throwing off the Cabinet:

The cabinet may be thrown out of the office by an adverse vote in the House of Commons in the following manners:

- A token cut may be made in the salary of a minister during the budget discussion by a majority vote in the House of Commons.
- The House may reject a Bill initiated by the minister and declared vital by the Cabinet.
- The House may pass a Bill opposed by the cabinet.
- The House may pass a vote of censure against a certain minister. A vote of no confidence against one minister is considered as a vote of no confidence against the entire cabinet. The cabinet must sink or swim together.
- The House may pass a straight vote of no confidence regarding the general policy of the government.
- The PM also has the power to request the king throw the cabinet or a minister.

Functions of the Cabinet

Cabinet in UK enjoys central position and authority in the government. Ramsay Muir calls the cabinet as “the steering wheel of the state”. Lowell calls it the “keystone of the political arch”. Cabinet in UK controls both administration and legislation. Key functions of the cabinet are the following:

Policy-determining Function:

- Cabinet is the policy formulating body. It discusses and decides all national and international problems and attempts to reach unanimous agreement. The cabinet must formulate and present a single policy to the parliament.
- An administrative branch carries the policy for action. If it conflicts with the existing law, the administration with the help of cabinet legislates for it. The minister initiates a bill in parliament and the cabinet defends it and it is enacted.

Executive Functions:

- Cabinet is the real executive contrary to the King or Queen who is nominal.
- Cabinet formulates general policy of the government, determines foreign policy and decides questions regarding the war and peace.
- The minister in charge of foreign affairs negotiates treaties and agreements of all sorts with foreign states on behalf of the cabinet. He ratifies treaties without formal approval of the parliament.
- The ministers make all important appointments. Each minister is in charge of a particular department and conducts its administration.
- The cabinet coordinates the activities of various departments and decides their inter-departmental disputes.

Legislative Functions:

- Cabinet not only controls executive but it also controls the legislation.
- The parliament is summoned and prorogued by the king on the advice of the cabinet.
- The king on the advice of the PM may dissolve the House of Commons before expiry of its term.
- Cabinet prepares the speech for King or Queen in beginning of each session that outlines the general policy and legislative programme of the cabinet.
- All important bills in the parliament are introduced, explained and defended on the floor of the House by the members of the cabinet. A bill that does not have the support of the cabinet has little chances of success in parliament.

Financial Function:

- Budget is prepared by the Chancellor of Exchequer, an important member of the cabinet. He introduces it in the House of Commons. Although, budget is not disclosed to the cabinet but before its introduction but disputes regarding various estimates are settled in the cabinet.
- The budget is passed as it is by simple majority in the Lower House and no demand for grant can be cut down without the willing consent of the cabinet.

Judicial Functions:

- The Judges of the important courts are appointed by the King on the advice of the Lord Chancellor, a member of the cabinet.
- The powers of pardon, reprieve and respite are exercised by the king on the advice of the Secretary of state for Home Affairs.

The Cabinet as a Coordinator

- One of the most important functions of cabinet is to coordinate between various departments and components of the government to bring harmony and unison. Cabinet performs all the inter-departmental functions and resolve their disputes if they fail to resolve them themselves.

Therefore, it is evident from the discussion that cabinet almost dominates and controls every activity of the government in UK and is thus, an important and powerful component of the government.

Salient Features of the Cabinet

- **Exclusion of the King:** King is not the deciding figure or presiding body of cabinet meetings. Exclusion of king happened during the reign of George I who was a German and did not understand English that is why he would not participate in cabinet meetings.
- **Political Homogeneity:** Members of cabinet belong to the same political party and have homogeneous views.
- **Close relationship between executive and the Legislative:** being from the majority party, Cabinet has close relation with the legislative in the House of Commons.
- **Unity of Cabinet:** the Cabinet always acts as one unit. They say the same thing in the parliament and to the public.
- **Ministerial Responsibility:** Ministers are responsible for their advice to the king and should be responsible for the legality of his actions in the court. Ministers countersign every act of the King. That is why it is said that, “King can do no wrong”. Ministers are also responsible to the House of Commons.
- **Leadership of the PM:** PM form the cabinet and assigns portfolios to ministers. The cabinet members work under his guidance and directions. He presides over the meetings of the cabinet. He can call for the resignation of a minister if the minister does not approve his policy.
- **Secrecy of the Cabinet Proceedings:** all cabinet members observe secrecy of the proceedings of the cabinet. Cabinet is a secret body responsible for the decisions of the cabinet.
- **Cabinet Committees:** The cabinet acts through various sub-committees like, the Defense Committee is the most important. Foreign affairs committee. They are presided over by the PM. The decisions of these committees are generally accepted by the cabinet.

Cabinet of England a Virtual Dictator

In Theory:

- In theory the ministers are responsible to the parliament
- The tenure of their office depends upon the will of the House of Commons. Parliament can remove the cabinet by a vote of no confidence.
- Cabinet is under the general control and supervision of the parliament.

In Practice:

- The cabinet is the master of its own because it enjoys the support of the majority in the HOC.
- Once the cabinet comes into power, it cannot be ousted by the adverse vote in the House.
- The cabinet control legislation: it introduces, explains and defends legislative measures in the House. The House has to accept them.
- The Approval of the House is merely a formality.
- Cabinet summons, adjourn and prorogue the Parliament at will.
- It also controls state finance. Chancellor of the Exchequer decides the budget.
- Cabinet make treaties with other states without consultation of parliament.

Therefore, it is the cabinet that has taken all functions of the House and parliament has become only a registering body.

Reasons for the Powerfulness of the Cabinet:

- **Party Discipline:** The main reason for the cabinet dictatorship lies in the growth of rigid party discipline. In 19th century ministers were hired as functionaries and had little power. But later the situation changed altogether party system has developed due to increase in the number voters. Therefore, allegiance to party has become mandatory which make power to the majority party in the House.
- **Power of Dissolution:** its power to dissolve the House of Commons strengthens cabinet before its term.
- **Two-party System: Another factor is two party system.** The parties dominating the House are the Conservative Party and the Labour Party. It is unlikely for a member of one party to join the other. Therefore, cabinet is fully backed by its party in majority which strengthens it.
- **Delegated Legislation:** House of Commons is overburdened with work. Therefore, it delegates a good deal of tasks to the cabinet.
- **Committee System:** Most of the controversial matters are thrashed out in the committees of cabinet.

National Emergencies: Emergencies like WWI etc delegated huge powers to the then governments.

Prime Minister of UK

Introduction:

Laski has well said, “The key-stone of the cabinet arch is the Prime Minister”. He is central to cabinet’s formation, central to its life and central to its death. The British PM is more than the primus inter pares (first among equal). He leads the majority party. PM and Cabinet are responsible for all state’s policies and administration.

Background:

- The office of PM is also the product of a convention which evolved over a period of time.
- Originated from during the Revolutionary Settlement (1688-1720) when power shifted from King to Parliament but with little legal recognition of the post.
- By 1830’s PM became “first among equals” in the cabinet and Head of Her Majesty’s Government but currently, he is the master of the cabinet.
- Till the Ministers of Crown Act 1937, the position of PM was not legally recognized.
- Before it, the title of PM appeared only in 1878 in the Treaty of Berlin and in 1905 in the Order of Precedence mentioning his name at number 5 below the Archbishop of York.
- But currently, the PM enjoys supreme position in British Constitution.

Requirements for Being PM:

- Leader of the majority party.
- Must be a member of the House of Commons.
- Elected for five year term.
- After the general election, the leader of the majority party or coalition of parties is asked and selected by the Crown as PM.
- His residence is Number 10 Downing Street.

Power and Functions of the PM Office

(1) Leader of the Cabinet:

- If cabinet is the engine of the car, the PM is its driver. Cabinet is the real government and PM is the master of the cabinet.
- He appoints and dismisses Ministers after the ceremonial approval of the king.
- He is chairman of the cabinet and presides over all its meetings.
- A policy supported by the PM is more likely to be approved in the cabinet.
- The PM can ask members of the Cabinet to accept his views or resign from the cabinet. If the cabinet or member of cabinet does not agree with his view, he can dismiss the minister or the entire cabinet.

(2) Leader of the House of Commons:

- PM is the Leader of the Parliament that is the **House of Commons**.

- He makes all announcements regarding the government policy in the House.
- He is the chief representative of Government and cabinet in the House, and faces the burden of the opposition's attacks.

(3) Source of Communication between the Cabinet and the Queen

- He is a link between the cabinet and the queen.
- He is the chief advisor of the Crown not only for England, but for Commonwealth and British colonies.
- Although, every minister has access to the Queen, yet no colleague of PM accesses her without PM's consultation.
- On his advice the King or Queen exercises his/her statutory powers and prerogative powers. For instance: the dissolution of parliament, high judicial, political, official, and Church of England ecclesiastical appointments, etc.

Control over Foreign Affairs:

- PM acts as the public "face" and "voice" of Her Majesty's government both at home and abroad.
- The Secretary of Foreign Affairs remains in constant contact with the PM for all important matters of foreign policy.
- All foreign treaties and agreements are initiated on his behalf but he seldom participates in international conferences.
- PM also holds power over the deployment and disposition of forces and the declaration of war.

Control over Finance:

- The **Chancellor of Exchequer** prepares the budget but he constantly consults the PM about the financial affairs.

Appointments and Patronage:

- He appoints number of officials, including ambassadors and diplomatic representatives, Governor Generals of Dominions, Governors of colonies, senior civil servants, senior military officer, members of important committees, and other officials. He also formally advise the King/queen on the appointment of Archbishops and Bishops of the Church of England.
- He also recommends awards of all titles and honours like, peerages, knighthoods etc by the Queen to distinguished persons in the society.

Manager-in-Chief of the Government

- He is the chief coordinator of policies of the several ministries and departments.

- He is also the chairman of all important committees, like, foreign affairs, defense and economic policy.

Therefore, his constitutional powers and functions make him the political ruler of England. He is the most powerful constitutional ruler in the world, even more powerful than the President of US. He is in fact the virtual dictator of the government with the majority of in the House.

The PM is a Dictator:

- He can ask any minister to resign.
- He asks the queen to dissolve the House of Parliament.
- He can resign himself: his resignation will mean the resignation of the entire cabinet.

He is not a Dictator:

- Resignation of minister may cause rift in the party, cabinet and the Parliament.
- The people don't have faith in a cabinet that changes now and then.
- Asking the queen to dissolve the parliament has the many complications too: Fresh election means expense of millions of pounds to which no party may be ready to spend.
- The risk of losing in case of re-election.

The House of Commons

Introduction:

The term Parliament refers to the House of Commons in the UK. The House of Common is the lower House of British parliament that is directly elected by the people for a tenure of five years. However, it may be dissolved before the expiry of its term if the PM and cabinet wish to. Conversely, the House can extend its term beyond five years in case of national emergency.

Formation of the House of Commons:

- The present strength of the House of Commons is 650.
- There are single member territorial constituencies. The Labour Party Government in 1948 abolished the right of double voting and multiple constituencies.
- The House of Commons is elected on the basis of adult franchise, secret ballot and direct voting. Every person of age 18 has the right to vote.
- Every person of age 25 can contest election. However, insane, criminals, aliens, holders of office of profit etc cannot stand for election.
- **Its presiding officer:** the HOC is presided over by the Mr. Speaker who is elected by the House and is formally confirmed by the Queen/King. The moment the speaker is elected, he ceases to have any loyalties to any party. He becomes neutral.

Powers and Functions of HOC:

The House of Commons being the most important part of British Parliament enjoys distinguished powers and functions. Some of them are the following:

(1) Legislative Functions:

- It can make, amend and repeal both ordinary and constitutional laws.
- There is very few checks over its legislative authority. The veto of King has fallen in disuse.
- The House of Lords also plays an insignificant part in law making because its wings were clipped in the Parliament Act 1911. It can only delay a Non-money bill for not more than one year and a Money Bill for not more than one month.

(2) Financial Powers:

- HOC exercises control over the state finance. A Money Bill can only be initiated in the HOC.
- Every year in February the Chancellor of Exchequer places the budget before the House.
- It determines the expenditure of government and raising of taxes.
- Once the HOC passes a Bill, the House of Lords cannot delay it more than a month. After one month, the bill is forwarded to the king for formal signature even if it is not approved by the HOL.
- The HOC also monitors, audit and criticizes the manner of spending.

(3) Control over the Executive:

- British has a parliamentary or cabinet system in which cabinet exercise the executive powers and is responsible to the parliament for its actions.
- The HOC makes or unmakes the cabinet.
- The cabinet remains in office as long as it enjoys the confidence of the House. The House can indicate its lack of confidence in the cabinet by rejecting Bills introduced by Cabinet or a minister, refuse to support, or straight away give vote-of no confidence against the cabinet. As a result, the cabinet either resigns or request the dissolution of the parliament.

(4) Ventilation of Grievances:

- HOC has fixed an hour for asking questions (the question hour) on each day the house meets.
- The questions may be about ordinary problems, mistreatment of official, defense, foreign policy which gives an idea to the House about public opinion.
- The House also affords a considerable protection against negligence, inefficient, arbitrary, extravagant or oppressive administration.

Position of the House:

- Although, theoretically, the HOC is very powerful but in practice it is dominated by the cabinet. Cabinet has become master of the Parliament. More than 85% Bills are initiated by the cabinet. No bill can be passed without the support of the cabinet.
- Chancellor of the Exchequer prepares the budget. Therefore, cabinet has control over legislation and state finance while the House is merely a passive signatory.
- In executive, the house does not have significant role as the MP's support the cabinet because of their affiliation and risk of losing the favours of the PM and cabinet.
- The House holds the right of the vote of no confidence against the cabinet but no cabinet has been ousted by such vote so far since 1895. It is because the cabinet belongs to the majority party, the party discipline is strict which hinder crossing the floor by MP's.
- The cabinet has the power to request dissolution of the House, therefore, the members submit to the wishes of the cabinet than facing dissolution.

Importance of the HOC:

- Despite of cabinet's hegemony, the House still holds some role. It reflects people opinion. Every bill is discussed that provides the cabinet with people's temperament.
- The cabinet is also responsible and answerable to the HOC for its actions. It has to inform, explain and satisfy the HOC about its policies.
- The cabinet has to carry its party members along by persuading them, appealing to them but not by threatening them. Discussion in the party meetings controls the cabinet to a very large extent.

Therefore, the House forms the cabinet, keep vigilance upon it, criticize its policies and keep it on the right path. The house, ventilates grievances, extracts information, gives direction by passing resolutions and selects leader.

The Constitution of Turkey

Q#1: Critically analyze the role of Military in Turkish Politics.

OR

Critically evaluate the role of military in the Turkish politics.

OR

Discuss the features of Turkish model of democracy keeping the distinguished position of the armed forces in Turkish politics.

1. Introduction:

The role of the military in Turkish politics is one of the most defining aspects of the country's modern political history. Since the foundation of the Republic in 1923, the military has seen itself not just as a defense force, but also as the guardian of the state's secular and nationalist identity. As a result, it has often played a significant role in controlling state affairs, especially during political instability. This has led to a unique situation in Turkey, where democratic institutions like elections and parliaments exist, but the military has repeatedly intervened through coups or pressure to influence or even replace elected governments. Thus, the objective is to evaluate, analyze or discuss the role of the Turkish military in politics:

2. Historical Context of Military Involvement:

a. Foundation of the Republic and the Role of the Military

Mustafa Kemal Atatürk was a military leader. He played a pivotal role in the establishment of the Republic of Turkey in 1923. After the foundation of the Republic of Turkey, Atatürk himself emphasized the importance of the armed forces in safeguarding the secular, modern, and nationalistic vision of the new state. As a result, the military became a guardian of Kemalist principles, particularly secularism, modernization, and national unity.

b. Military Coups and Interventions

In the decades following the establishment of the Republic, the Turkish military intervened directly in political affairs multiple times, citing the need to protect the secular democratic order. The most notable examples of military coups were in **1960**, **1971**, **1980**, and the **1997 post-modern coup**. These coups are discussed as follows:

1960 Coup: The military overthrew the democratically elected government of Prime Minister Adnan Menderes, citing concerns over authoritarianism and the erosion of secular principles.

1971 Intervention: The military imposed a memorandum to curb political instability and the rise of extremist factions.

1980 Coup: A military junta took power in response to escalating political violence, primarily between left-wing and right-wing groups. This intervention resulted in the suspension of democracy and the imposition of martial law.

1997 “Post-modern Coup”: The military did not directly intervene through force but used its influence to pressure the government of Prime Minister Necmettin Erbakan (the first Islamist Prime Minister) into resignation, fearing the rise of political Islam.

Thus, the Turkish military has traditionally seen itself as the ultimate defender of the Kemalist secular order. Whenever there were signs of democratic backsliding (e.g., Islamism, authoritarianism), the military took action. This gave the Turkish military an outsized role in determining the political direction of the country.

3. The Military’s Institutional Power:

a. National Security Council (NSC):

The National Security Council (NSC) has been an important way for the military to influence politics in Turkey. It brings together top military officers and civilian leaders to discuss national security. For many years, the military had a strong voice in the NSC, which allowed it to play a major role in shaping policies on foreign affairs, internal security, and defense.

b. Military’s Political Role in Government

The military also had an influential role in shaping the political landscape through organizations such as the Turkish Armed Forces (TSK) and the Chief of Staff. The high-ranking military

leadership had the power to force changes in the government if they deemed any political situation contrary to Turkey's national security or the principles of the Republic. This resulted in a unique fusion of civilian and military leadership that complicated the growth of a fully civilian political system.

4. The Shift Toward Civilian Governance:

a. AKP and Military's Declining Influence

The rise of the Justice and Development Party (AKP), led by Recep Tayyip Erdoğan, marked a significant shift in the balance of power between civilian and military authorities. After coming to power in 2002, the AKP pursued a series of reforms that sought to curtail the military's influence in political affairs. The 2007 Ergenekon Trials, which involved a number of military officers accused of plotting a coup, and the 2010 constitutional amendments, which diminished the power of the military in politics, were key steps in reducing the military's direct control.

b. The 2016 Coup Attempt

The attempted military coup in 2016 is perhaps the most significant event in recent Turkish history in terms of military-civilian relations. The coup was led by a faction of the military, which sought to overthrow Erdoğan's government. However, the coup later proved to be a fiasco and marked the beginning of a strong backlash against the military and its political influence.

c. The 2017 Constitutional Referendum and Executive Presidency

In the aftermath of the coup attempt, the AKP hand in hand with the Nationalist Movement Party (MHP), introduced a set of constitutional amendments aiming to replace the parliamentary system with an executive presidency. A national referendum was also held on 16 April 2017 under a state of emergency. It was narrowly passed with just over 51% of the vote.

Key changes included:

- The office of the Prime Minister was abolished. The powers were transmitted to the office of the President. Resultantly, the President became the head of the government and the head of the state.
- The circumspect of the powers of the President expanded. He could now appoint judges and ministers, issue decrees, and declare a state of emergency unilaterally.
- The number of seats in the parliament increased from 550 to 600. The term in the parliament was also expanded from 4 years to 5 years.
- Military courts were abolished, further curbing military autonomy.
- Presidential and parliamentary elections are to be held on the same day every five years.

These changes, though presented as a step toward political stability, raised concerns about authoritarianism and excessive concentration of power in the presidency.

d. Erdoğan's 'New Turkey' and the Future of Democracy:

In recent years, President Erdoğan and the AKP have shifted Turkey away from its Kemalist roots and attempted to establish a new vision of governance, which includes a more centralized and presidential system. The shift to a **presidential system** through the 2017 constitutional referendum is a key aspect of this transformation. While this change has reduced the military's power, critics argue that it also undermines democratic checks and balances, concentrating power in the hands of a single leader.

Conclusion:

In conclusion, the Turkish military played a dominant role in politics for decades, often intervening to protect secularism but undermining democratic development. While recent reforms, especially after the 2016 coup attempt and the 2017 constitutional referendum, have significantly reduced its influence, they have also concentrated power in the presidency. Thus, Turkey has shifted from military tutelage to a centralized executive model, where the key challenge now lies in strengthening democratic institutions and ensuring checks and balances.

China And Malaysia

Q#1: “A strong political system needs a very strong political economy.” Prove this statement by making a comparative and analytical answer with reference to China and Malaysia.

Introduction

“Success earns the government its right to rule”

The strength and stability of a political system are closely associated with the health of its political economy. A well-functioning political economy ensures effective resource management, fair development, and public satisfaction. These are the key factors that support the legitimacy and stability of political institutions. This connection is clear in the cases of China and Malaysia. Despite having different political systems, both countries have been able to maintain their political stability through strong economic foundations. By looking at these case studies, it becomes transparent that economic success not only enhances the state's ability to govern but also builds political stability and public trust.

China: Authoritarian Stability through Economic Performance

Centralized Political Control under the CCP

China is governed by the Chinese Communist Party (CCP). It is the only dominant political group controlling all parts of the government and society. This includes the courts, the military, the media, and schools. No other political party is allowed to challenge the CCP's rule, and people who speak out against the government or try to organize independently are often silenced or punished. Authorities monitor public speeches and restrict or remove content they consider dangerous or harmful, particularly on the internet. Since democratic elections aren't held, the CCP maintains its authority by focusing on economic success and boosting patriotic sentiment. In doing so, the party preserves stability and public backing without relying on a democratic system.

Post-1978 Reforms and Economic Transformation

China's economic changes started in 1978 under the leadership of Deng Xiaoping. At that time, the country moved away from strict communist policies and began following a system called “Socialism with Chinese Characteristics.” It amalgamated the government control with some free-market ideas. Farmers were allowed to work for themselves, and small private businesses were encouraged. The government also set up Special Economic Zones (SEZs) in places like Shenzhen to attract foreign companies and boost exports.

These changes led to rapid economic growth, more cities, and more factories. China became part of the global economy and officially joined the World Trade Organization in 2001. By 2023, China's economy had grown to **\$17.7 trillion**, making it the **second largest** in the world.

Economic Success as a Source of Political Legitimacy

The Chinese Communist Party (CCP) has secured widespread public support by steering China through a period of rapid economic transformation. As living standards have risen, marked by

increased employment opportunities, improved access to education and healthcare, and enhanced overall quality of life, the public has largely endorsed the government's leadership, despite the absence of democratic electoral processes. Since the economic reforms began, more than 800 million people have been lifted out of extreme poverty, something the government often mentions with pride both in China and abroad.

Since the economic reforms began, more than 800 million people have been lifted out of extreme poverty, something the government often mentions with pride both in China and abroad. The living standards of residents rapidly improved. People gained access to quality education, improved healthcare, and better employment opportunities. As a result, the public largely endorses the government's leadership despite the absence of the democratic electoral processes.

For many people in China, as long as the economy keeps improving and the country becomes stronger, they are willing to accept limits on political freedoms.

Malaysia: Democratic Legitimacy Anchored in Economic Inclusivity

Federal Constitutional Monarchy and Parliamentary Democracy

Malaysia is a federal constitutional monarchy, meaning it combines a system of federal governance with a hereditary monarchy and a parliamentary democracy. The ceremonial head of state is the Yang di-Pertuan Agong (King), who is elected every five years from among the nine hereditary rulers of the Malay states. While the monarchy plays a symbolic and unifying role, executive authority rests with the Prime Minister and the Cabinet, who are accountable to Parliament and the electorate. The legislature is bicameral, consisting of the Dewan Rakyat (House of Representatives) and the Dewan Negara (Senate). The government is formed based on the majority party or coalition in the Dewan Rakyat, reflecting the parliamentary nature of the system. Democratic elections are held every five years, allowing citizens to vote for their representatives, making Malaysia one of the more established democracies in Southeast Asia.

Coalition Governments and Multi-Ethnic Politics

Malaysia's political landscape is shaped by its multi-ethnic society, which includes Malays, Chinese, Indians, and various indigenous groups collectively known as Bumiputera. Due to this diversity, political parties often represent specific ethnic or regional interests, leading to a highly pluralistic political environment. As no single party has been able to secure an overwhelming majority in recent decades, coalition governments have become the norm. Major political coalitions—such as Barisan Nasional (BN), Pakatan Harapan (PH), and Perikatan Nasional (PN)—bring together various parties to reflect broader social and ethnic representation. While coalition politics promotes inclusiveness and compromise, it can also lead to political instability, especially when alliances shift or parties break away. Managing ethnic relations and balancing economic development among communities remain key challenges and priorities for any ruling coalition.

Electoral Participation and Political Legitimacy

In Malaysia, political legitimacy is largely derived from regular, competitive elections and the active participation of the electorate. Voting is a key expression of democratic rights, and general elections typically see high voter turnout, reflecting strong public engagement with the political process. The Election Commission of Malaysia oversees the conduct of elections, which, while generally peaceful, have occasionally been criticized for issues such as gerrymandering and

unequal media access. Nonetheless, the democratic process continues to evolve, with reforms like automatic voter registration and lowering the voting age from 21 to 18 helping to broaden participation. The legitimacy of the government also depends on its ability to provide public services, uphold the rule of law, and manage the economy effectively. Citizens expect their leaders to be accountable, transparent, and responsive to their needs, making public service delivery an essential pillar of political trust and stability in Malaysia.

Comparative Analysis of China and Malaysia

1. Contrasting Political Systems

- China and Malaysia operate under fundamentally different political systems.
- China is a one-party authoritarian state ruled by the Chinese Communist Party (CCP). It monopolizes political power and suppresses opposition. As a result, there are no competitive elections at the national level.
- In contrast, Malaysia is a federal constitutional monarchy with a parliamentary democracy, where political power changes hands through elections and coalition building is a common feature due to its multi-ethnic society.
- The political stability in China is maintained through centralized control and state authority. On the other hand of the picture, Malaysia's political stability is built on democratic institutions that allow for public participation and periodic changes in leadership.
- These different foundations shape how each government interacts with its people and manages both development and dissent.

2. Economic Growth as a Pillar of Legitimacy

- Despite their structural differences, both China and Malaysia heavily rely on economic growth to maintain political legitimacy.
- In China, economic success is the main justification for the CCP's continued rule. Massive poverty reduction, infrastructure development, and rising global influence have helped the regime retain public support despite the lack of political freedoms.
- In Malaysia, economic performance works alongside electoral legitimacy. The voters reward those parties that deliver development and penalize those that fail. This was evident in the 2018 general election when dissatisfaction with corruption and rising living costs led to the first change in ruling coalitions since independence.
- In both countries, economic failure could seriously undermine political credibility and social stability.

3. Democratic Accountability vs Centralized Control

- China's governance model is built around centralized authority and long-term planning, which enables large-scale economic projects to be executed efficiently without political delays. However, this model lacks electoral accountability, meaning that citizens have little say in leadership selection or policy direction.

- On the other hand, Malaysia's system allows citizens to hold leaders accountable through regular elections and political competition. This creates a dynamic political environment where governments must balance short-term political needs with long-term economic planning. While Malaysia's system provides more opportunities for citizen participation, it is also more susceptible to political instability, especially in times of economic hardship or coalition breakdowns.

4. Institutional Strength and Vulnerabilities

- The strength and independence of institutions play a critical role in governance and accountability.
- In China, institutions such as the judiciary, media, and civil society are tightly controlled by the CCP, limiting their ability to serve as checks on government power. Anti-corruption efforts, while sometimes effective, are often seen as politically selective.
- In contrast, Malaysia has a framework of democratic institutions—an elected parliament, an independent judiciary (in principle), and a relatively free press. These institutions provide mechanisms for oversight and redress, although their effectiveness can be compromised by corruption, political interference, and elite dominance.
- Both countries face challenges in ensuring that institutions operate fairly, transparently, and independently of political agendas.

5. Key Takeaways and Comparative Insights

- The comparison between China and Malaysia shows that economic performance is central to political legitimacy in both authoritarian and democratic contexts.
- China's model illustrates how sustained development can maintain social order and public support even without democratic rights.
- Meanwhile, Malaysia shows that democracy provides a path for peaceful political change but demands consistent economic delivery to maintain voter confidence. The key insight is that neither system is immune to crisis—economic decline can trigger unrest in authoritarian regimes and electoral backlash in democracies.
- Ultimately, both countries demonstrate that legitimacy is not only about how power is gained, but also about how it is used to improve the lives of citizens.

Conclusion

In conclusion, the cases of China and Malaysia provide compelling evidence in support of the assertion that a strong political system needs a very strong political economy. Economic development not only enhances the capacity of the state to deliver public goods but also builds political legitimacy and ensures societal cohesion. While China relies on state-led capitalism to justify authoritarian rule, Malaysia leverages economic inclusion and performance to maintain democratic stability. Both models affirm that political systems, regardless of their nature, cannot function effectively or endure without a robust and well-managed economic foundation. Thus, the vitality of a political structure is ultimately sustained by the strength of its political economy.