

Q3 Introduction.

"Democracy dies not at the hand of Generals but at the hand of those who come to power by subverting the very essence of the process.
(Book: How Democracies Die)

The soil of Pakistan wasn't that much fertile to observe the roots of democratic trees from the very beginning of this country. Democratic culture hasn't evolved due to unorganized political parties, non-democratic forces influence and many others. Now the prerequisites to establish democracy is to ensure enlightened citizenship, organization of political parties, strengthening institutions and many others.

2. Factors militating against the evolution of democracy in Pakistan.

2.1 Unorganized political parties caused the decay of democracy.

The anti-democratic culture within and outside of political parties caused death of democracy. Hamid Khan in his book: Constitutional and Political development of Pakistan maintained that the unorganized nature of Muslim League from the very beginning of the country.

made Pakistani soil barren for democracy.

2.2 Involvement of non-democratic forces hindered the evolution of democracy

Historically, it was both military and bureaucracy which intervened in the domain of civilians, thereby sabotaging the real spirit of democracy.

Hassan Askari in his book: "Democracy and Governance in Pakistan" maintained that it was military-bureaucracy oligarchy which filled the vacuum created by the political factions.

2.3 Prevalence of elite led model of growth institutions caused a massive blow to democracy.

Pakistan has extractive nature of state institutions.

Dr. Ishaq Ibad Hussain in his book "Governing the Ungovernable" argued that the elite led model of growth institutions have hampered the development process, the growth of democracy, good governance and sustainable economic growth.

2.3 Dynastic and feudal based political parties shrink space for democracy.

Pakistan's political parties are majority dynastic and feudal based which promote

anti-democratic norms. Khalid Bin Sayed in his book "Politics in Pakistan" argued that the feudal nature of Muslim League created ripple effects on the entire political atmosphere, thereby resulted in so many dynastic parties in the later on stage of Political development.

Myopic civic education and politically unsocialized citizens.

democracy don't move together. J.J. Mills in his essay on "Liberty" categorically mentioned that ^{western} democracy cannot be succeeded in third world countries mainly because of their illiterate masses.

Judicialization of politics in Pakistan.

Judiciary intervenes in political domain and judiciary is also too much politicized in Pakistan, which in turn impedes the proper growth of democracy in the country.

D. Ishrat Ibad Hussain in his book; "Governing the Ungovernable" argued that "Had the judiciary not intervened in politics in 1954-55, there would not have been the derailment of democracy".

3. SINE QUA NON FOR Democracy in Pakistan.

3.1 Enlightened citizenship one of the main prerequisites for democracy in Pakistan.

Enlightened citizenship can only be achieved via promoting education in the society. American professor

John Dewey says: "Education to democracy is like oxygen to human body".

3.2 Vigilance is mandatory for democratic evolution.

both external and internal vigilance both external and internal carries immense importance for the proper growth of democracy.

Lasker in this regard says "External vigilance is the soul of democracy".

3.3 Independence of Judiciary is badly needed for the growth of democracy.

Judiciary does not only promote democratic norms but also preserve them. For well-functioning democracy, judiciary carries as much importance as food for human survival.

3.4 Limiting non-democratic forces to their constitution spirit putting it.

on the influence of apolitical forces, ought to be ensured for the growth of democracy in the country.

3.5 Ensuring democratic culture within political parties is necessary for the growth of democracy.

Intra-party election and promoting democratic norms within them are required for the healthy growth of democracy in the country.

3.6 Strengthening democratic institutions.

Democratic institutions like parliament, Election Commissions and many others are must be aligned as per the norms and requirement of Democracy.

Conclusion.

Democracy has shown topsy-turvy cycle in Pakistan's chequered political history mainly due to the presence of some various constraints. To put lid on those constraints, there ought to be some prerequisites that need to be established before promoting and establishing democracy in the country.

Introduction.

Judicial review is one of the hallmarks of the American political system. It ~~has~~ took its birth in one of the landmark case of Marbury vs Madison and then remained contributes to the American system. It carries immense importance as it ensures institutional harmony, checks autonomy of other branches, protects fundamental rights of citizens. Hence, there are various limitations of it as its overuse causes distortions, creates disharmony and many others.

Defining Judicial Review:

Judicial Review, in simple words, the use of power of Supreme court to take action or review the policy of legislative branch or the executive actions and make them as per the aspirations of constitutional spirit.

This can be exercised via power commonly known as Sue motto actions and the phenomenon of judicial Activism.

3. Importance of Judicial Review.

3.1 Judicial Review ensures the checks and Balances system in the country. It is

Through the power of judicial review that Supreme Judiciary in the USA maintain the checks and Balances System

3.2 Judicial Review protects the Fundamental rights of the citizens.

Fundamental rights is to be protected by the judiciary. When legislative or Executive branch encroaches upon or infringe the citizen's right; it is the judiciary via the power of judicial review come forward and protects the rights of all citizens.

3.3 Judicial Review checks the autonomy of Executive branch. Sometimes the executive branch becomes overshadowed its power and intervene beyond their constitutional limits. It is the Judiciary that come forward and restrain it to its constitutional limits.

3.4 Judicial review alive the constitutional spirit in the country.

Constitutionalism in the country can only be protected and promoted through the instrument of Judicial review only.

4. Limits of Judicial Review.

4.1 its overuse distorts the checks and Balances system in the country

It creates the powerful judiciary which in turn disturbs the checks and balances system in the country. Institutional imbalance in the country is the result of judicial review.

4.2 Increases Judges proclamation towards politics.

It results in judicialization of politics and politicization of judiciary.

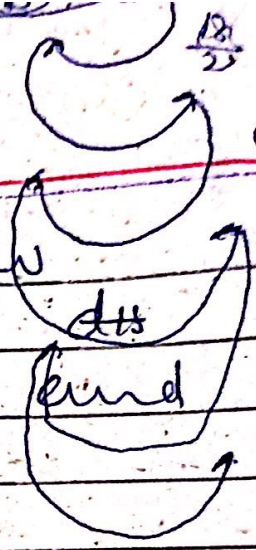
4.3 Disparages democratic growth in the country

The course of judicial review act as a bulwark against the proper growth of democracy.

The Birth of Judicial review in American System.

The concept of judicial review came after the landmark case of Marbury vs Madison. In this case the Supreme Court used the

the power of judicial review
for the first time and
declared the case null
void.



Conclusion.

In short, judicial review carries immense importance in the American system, but at the same time it has so many limits which need to be curtailed for the proper growth of democracy.