

Pol Paper 2:

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Introduction: Checks and Balance System

To prevent one branch of the government from becoming supreme and to induce the other branches of government to cooperate, the framers of the U.S. constitution have provided the system which is based on theory of separation of power along with intermed "check and Balance".

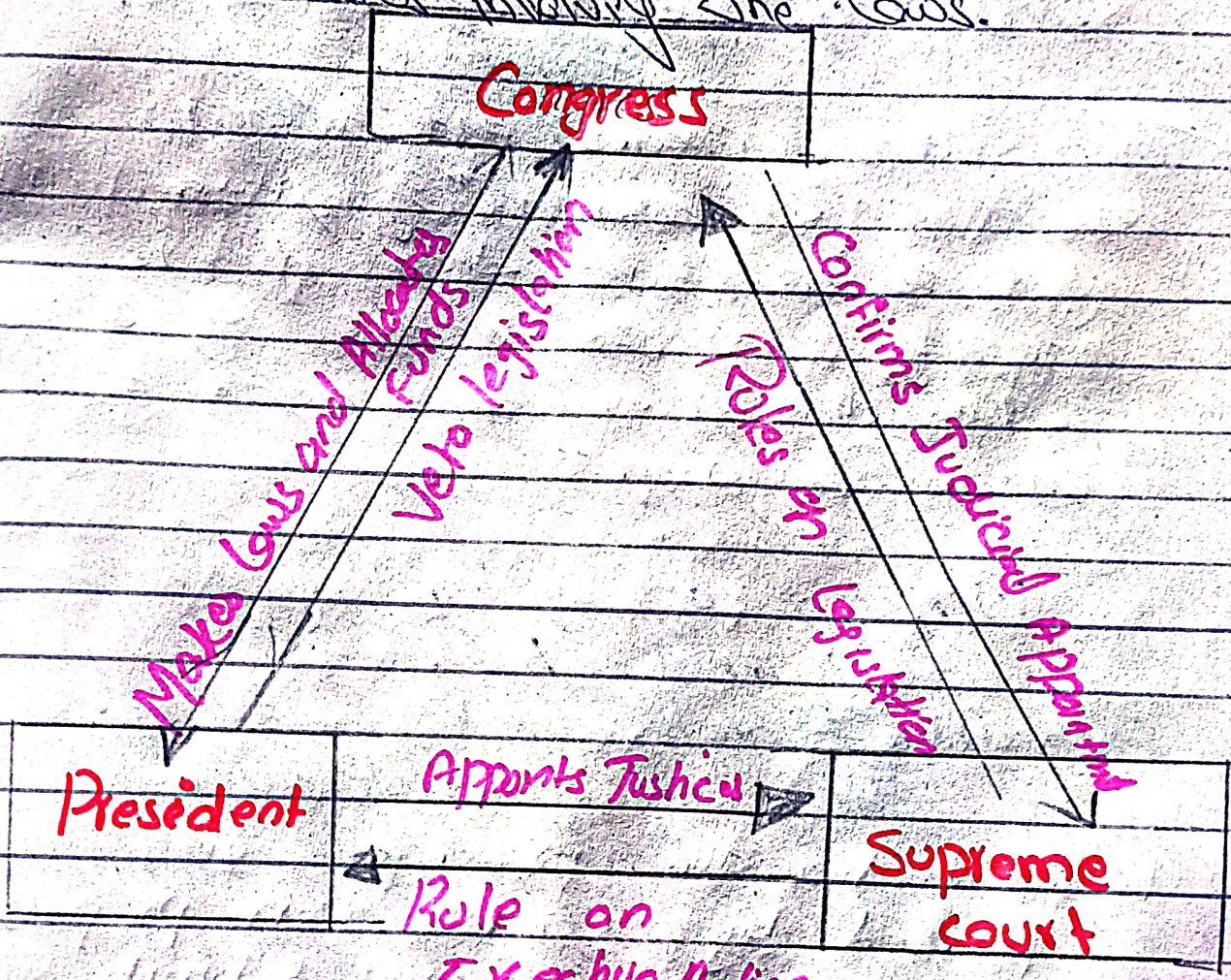
The one organ of the government is obstructed by another. The system of checks and balance has interlocked the three organs of the government.

Organs:

- 1) Legislative branch.
- 2) Executive branch.
- 3) Judicial Branch.

The legislative branch, which enacts the nation's laws

The executive branch which implements and enforces the laws enacted by the legislature branch. The judicial branch which interprets the laws in reference to the constitution and applies its interpretation to legal controversies involving the laws.



Evolution of System of Checks and Balance

• Montesquieu's French writes along with the theory of separation of power; he has expounded the theory on checks and balance.

He laid down theory of separation of power a device to avoid concentration of authority. At the same time he talk of checks and balances. Power is to be check upon power was his maxim.

Basis of system of check and Balances:

The system of checks and balances is based on the maxim "if power is not to be abused then it is necessary, in the nature of things let the power be made a check to power"

Working of system of check and Balances:

Executive Branch checks and Balances the legislative Branch.

President has the power to veto laws passed by Congress. Can propose new laws to Congress. Submits the federal budget to the house of representatives. Appoints federal officials who carry out and enforce laws.

Executive Branch checks and balances the Judicial Branch.

Nominates judges to the Supreme Court
Nominates Judges to the Federal Court System
President has the power to pardon or grant amnesty to persons convicted of crimes.

* Legislative Branch checks and Balances the Executive Branch.

Congress can override presidential vetoes with a two-thirds vote (from both chambers)
Senate can reject president nominations of federal officials or judges
Congress can impeach and remove the president (House serves as prosecution, Senate serves as jury)

Legislative Branch checks and balances the Judicial Branch:

Congress can create lower courts
Senate can reject nominees to the federal courts and Supreme Court
Congress can amend the Constitution to overturn decision of Supreme Court.

Judicial checks Executive

Supreme can use the power of Judicial review to rule law

unconstitutional

Judicial checks the legislative

Supreme Court can use power of judicial review to rule presidential actions unconstitutional. Supreme Court can use the power of judicial review to rule treaties unconstitutional.

• Branches Truly Equal:

Over the years the executive branch has often controversially attempted to expand its authority over the legislative and judicial branches. After the civil war, the executive sought to expand the scope of the constitutional powers granted to the president as Commander in Chief of a standing army. The power to issue executive orders, declare national emergencies, issue presidential bills signing statements

Conclusion:

Ended our debts
executive branch are independent the
they are ^{more} ~~mostly~~ used his
power. But these branches
to checks balances to

each other so that wise balance
created that way it is called
check and balance branch.

Q = 6: Power and Function of China National People Congress:

Introduction:

In modern times China has been regarded as the most rapidly growing economy of the world. In very short time China people emerged as the great economic giant of the world. Historically concerned China has many ups and downs but it was the great and committed leader leadership of Mao Tse Tung who put the Chinese state on the path of development and progress. In 19th century that imperialistic states had fully dominated China from all aspects. But in 20th century due to the growth of nationalistic sentiments that imperialistic powers had to quit and an era of republican phrase started. Later on China remained under the influence of nationalistic forces till 1949. But socialist forces became a great challenge for nationalistic forces and in 1949 socialist forces became successful and China

nation of the world and officially recognized as "People's Republic of China".

★ National People Congress:

There is unicameral legislature in China which means that there is single level of legislature at central level known as NPC. Unicameral legislature in China is the outcome of unitary form of govt because it is suitable for their form of government. NPC is regarded as the supreme law making body.

Composition:

NPC is composed of approximately 3000 members known as the deputies. They are representing to all regions of China so, all of these nationalities and segments of society have been given proper representation at central legislature.

Mode of Election And Tenure:

The members of NPC are indirectly elected by the members of regional congresses. Its tenure is 5 years but the very house of NPC can be dissolved earlier before the expiry of term.

as well as it can also be extended more than given years. Standing Committee responsible for the holding of fresh elections.

Session of Congress:

NPC holds its session once a year in Beijing most of its work is done by its standing committees that's why its regular sessions are not held.

Powers And Functions:-

The powers and functions of NPC can be discussed with these points.

- 1) Enactment of laws
- 2) Executive powers
- 3) Elective functions
- 4) Formation of Standing Committees
- 5) Analysis of its overall role.

1) Enactment of Laws:

The first and foremost function of NPC is quite natural to its structure i.e. enactment of laws for the state. It is supreme law making body at the central level in China. The legislative power of NPC that's why laws enacted by NPC can't be challenged.

the supreme court.

2) Executive Powers:

NPC has been empowered to keep check on the executive regarding its policy formation as well as decision making regarding the multiple affairs of the state.

3) Elective Functions:

NPC also performs some electoral functions. Under the latest constitution of China NPC has been empowered to elect president and vice-president of the republic. It also appoints the premier of state council on the recommendation of the president. Also remove or appoint different officials working in the state machinery but can also remove the PM.

4) Formation of Standing Committees:

Under the principle of decentralization of power NPC has formulated different sort of committees to reduce its burden of legislative affairs. The concept of standing committees of NPC is the most popular dropped

the world.

- Composition of Standing Committee:
Composed of Chairman (head of S.C.)
vice chairman (acting head of S.C.) secretary
general and other members of Standing
Committee (round about 75) Standing
Committee is responsible and
accountable before NPC for its
generations

5) Power To Amend the Constitution:

It is an important power of NPC that it makes ordinary laws for the state with to support of simple majority of its total members.

6) Financial Power:

NPC enjoys power in financial affairs also because it has the power to approve national economic policy and annual budget of the State all economic affairs of the states are ^{decide} on floor of the house.

7) Judicial Functions:

Though NPC has not been empowered to make interference in the judicial matters like the appointment of judges president of S. Court and his removal is in the NPC hand.

8) Overall Analysis of its Role :

Conclusion:

To conclude we can say that NPC enjoys enormous role in the governmental machinery of China, it can be regarded as the backbone of Chinese governmental machinery, because entire governmental setup with spreads and has being with NPC apparently, NPC seems with to have grip over the entire government machinery.