

Introduction.

Supremacy of the British Parliament is the most dominant characteristic of the British political system. The remarks of Justice Hoggan in a case R vs Aylmer:

"The sovereign authority in British legal system is the Parliament. If Parliament laid down law then no authority can void it."

The Parliament is competent to pass laws, appoints senior and officed stakeholders, forms cabinet and many others. However, it is not an absolute authority as some direct as well as practice limitations are in place which can restrain the parliaments.

2. Manifestations of Supremacy of Parliament.

2.1 Parliament is competent to pass both ordinary and constitutional law.

No authority in the British political system can stop Parliament from legislation.

Case study:

In a case Pickin vs British Railway Board, the judge maintained that "No court can deem Parliament law as a null and void".

2.2 Appointment of PM and formation of cabinet.

The British Parliament

has sole authority to appoint Prime Minister and his Cabinet.

Comparison with USA: The USA Congress has no role in appointing the President of the country.

2.3 Negotiation of treaty and declaration of war:

It is the Parliament in the UK that negotiates treaties with other nations and declares the war.

Comparison with USA: Congress power in this regard is checked by the executives.

2.4 Appointment of judges, ambassadors and other state officials.

It is the entire jurisdiction of Parliament to decide upon the appointment of ambassadors and other state officials.

3. Historical Examples in the evolution of Supremacy of British Parliament.

3.1 Magna Carta:

It was the first document in the British constitutional history that proclaimed the concept of rights for individuals. It questioned the monarch authority and

and paves the way for showing the power.

3.2 The Petition Rights Act. 1617.

It was also an historic example that played part in the evolution of Supremacy of British Parliament. Under this Act, Individuals declared a petition for the attainment of their right from the Monarch.

3.3 Glorious Revolution and English Civil War.

It was the struggle between Monarchy and the Sovereignty of Parliament. The Britishers fought a civil war with each other. The Revolution happened in 1688 which drastically changed the entire political landscape of British.

3.4 The Parliament Act 1911.

This Act ensured the Sovereignty of Parliament in both letters and spirit. It enlisted the domains, Jurisdiction and authority of the Parliament.

Absolutness of British Parliament

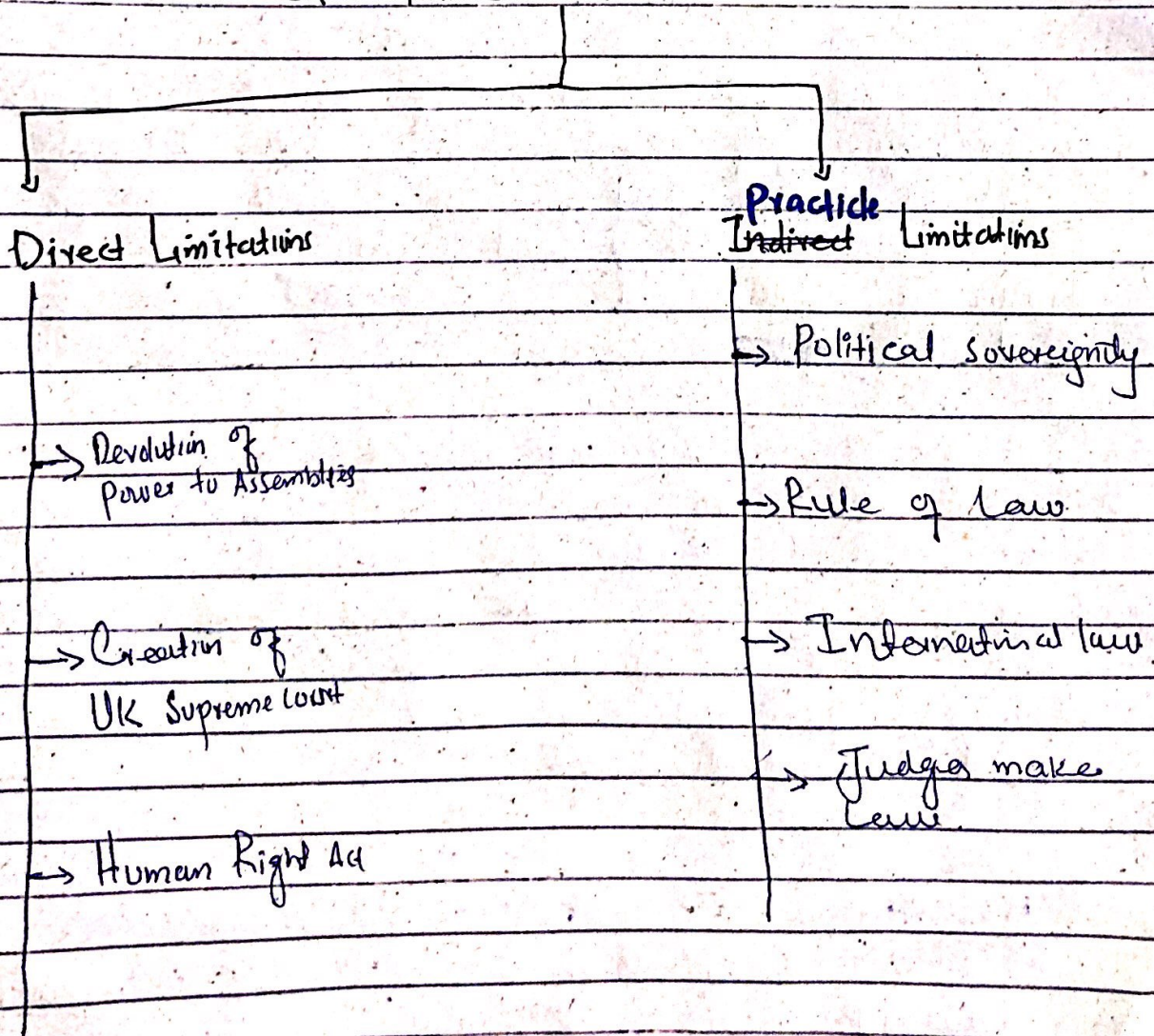
The Remarks of Justice Edward Coke in the case of

Proclamation was noteworthy in regard to
Sovereignty of Parliament

"The British parliament
has the sole authority
to legislate".

However, England is a evolving
Country, With the passage of times,
the Emerges some limitation on the
absolute nature of parliament

LIMITATIONS ON THE ABSOLUTE NATURE OF PARLIAMENT.



Devolution of power to Scottish and Welsh Assembly is a direct limitation on the absolute nature of Parliament.

The British Parliament has devolved power to Scottish Parliament and Welsh Assembly. These can now legislate without the consent of British which is a huge limitation on its sovereignty.

Creation of UK Supreme Court put an end to work of House of Lords.

The UK Supreme Court that was created in 2009 has limited the role and function of House of Lords as a court. This has also a direct limitation on the supremacy of British Parliament.

International Human Rights Act.

The British Parliament cannot frame a law contrary to the spirit and letter of Human Rights Act which is a kind of limitation on the supremacy of British Parliament.

Practical Practice Limitation on Sovereignty of Parliament

Political Sovereignty.

Parliament cannot frame British Law against the will of people and odd of morality.

Rule of law.

It cannot go against the spirit and nature of Rule of law. Similarly, Any law can be deemed as null and void that is contrary to the Rule of law.

The Presence of International law.

Now it is a growing recognition in the British polity that International law is like a Municipal law. So any legislation intended to harm the spirit of International law ought to be squashed.

Conclusion:

In the words of A.V. Dicey "British Parliament can do everything, it cannot make a man into a woman or a woman into a man".

Q3:

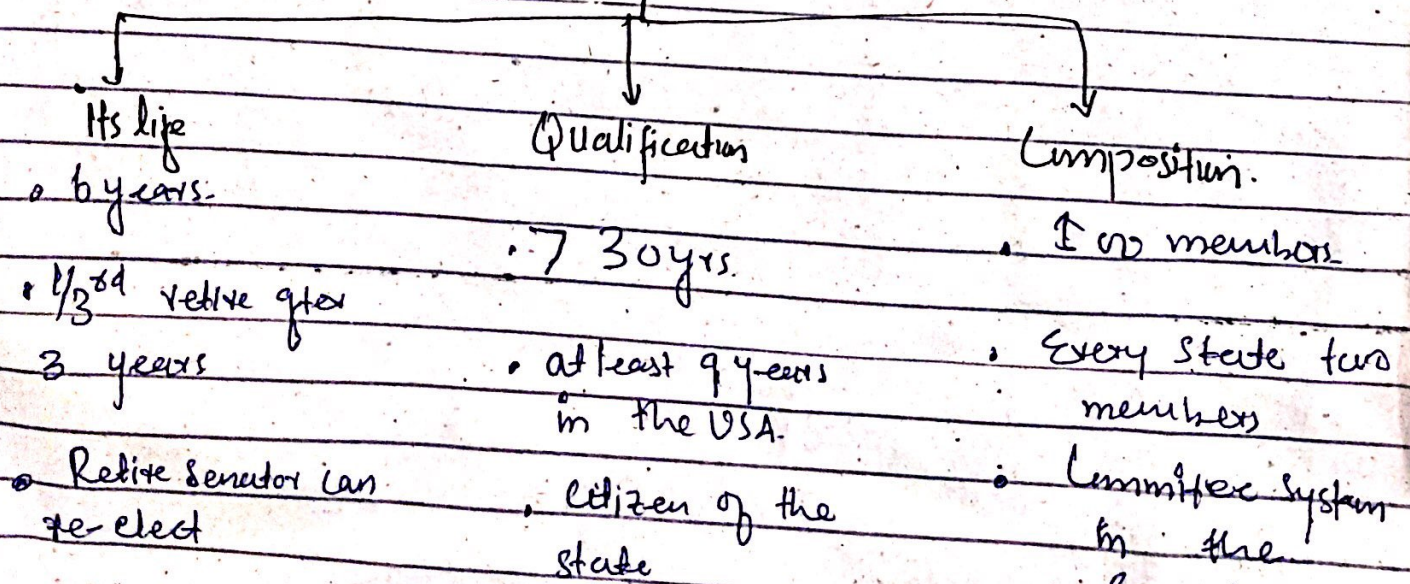
Introduction:

Senate is the most powerful second chamber in the world.

"American Senate is like a saucer in which hot tea of the house is bloated".

It enjoys various executive, judiciary, legislative functions that are not enjoyed by other countries second chamber. Likewise, it direct enjoys executive power, financial power with lower house, greater freedom of speech and many others factors have made it so power chamber in the legislative and legal framework of the USA.

2. Composition of the Senate.



5. Senate is the most powerful

3.1 Senate enjoys Direct Executive power in the USA.

Senate is powerful by having executive power in the hand. All the executive functions require Senate Consent.

For Example:

The overriding of Obama Iran Nuclear deal in 2015 by Senate is a case in point

3.2 Absence of Parliamentary System in the USA makes Senate so powerful

In the USA, there is Presidential form of government. In Parliamentary form, the lower house is always remained powerful.

For Example:

In case of UK, Pakistan, India etc the lower House is more powerful mainly because of the Parliamentary system.

3.3 Senate enjoys Small membership and Long tenure in the USA.

The membership

of Senate is too small and its
senate is high. For ~~exam~~

For example:

California Senators → 2.

California Seats in HOR → 55.

3.4 Senior Politicians belongs to
Senate.

In American political
system, every senior politician tries
to become the part of the
senate. The senate that is why
enjoy a unique place in the
political system of USA.

3.5 Senators enjoy greater
freedom of speech.

The practice of filibustering
is only enjoyed by the senators
in the USA political system.

For example:

The Senator "Thomas Armond
from South Carolina spoke for 24 hours
and 18 mins on the issue of civil
right Act.

3.6. Senate enjoys financial
power

In the
USA the senate enjoys equal

Financial power with its lower house the House of Representatives. But this is not the case with other countries' Political system.

Comparisons with UK: The House of Lord enjoys less power than House of Commons in the UK Political system.

3.7 Senate as a court of impeachment for presidents.

The Senate tries the President of the USA in the process of impeachment. It is an important chamber in this regard.

For Example:

The trial of impeached President of President Henry Clinton, President Trump are cases in point.

3.8 Senate has powerful investigation Committees system

The prevalence of investigation Committees in the Senate have made it worthy. It has number of committees:

- ↳ Financial Committee
- ↳ Tax Regulatory Committee
- ↳ Investigative Committee
- ↳ Accountability related Committee.

For example:

The Investigative Committee
in Watergate Scandal against Nixon.

Conclusion:

In conclusion, Senate is the most powerful second chamber in the United States political system which performs so many legislative, executive and judicial functions.

Q4:

Introduction

A-62 and A-63

Involves so many and various legislations that are far from to be practiced which eventually leads to the element of uncertainty and obscurity. The ambiguous nature of Islamic knowledge of a member has led to the trait of prophet (SAW) and these are idealistic aims of these articles. The need of how to amend it in the best possible way by transforming the subjectivity of these articles into objectivity.

2. Article - 62: At Glance.

This Article refers to the qualification of members for the National Assembly and Senate. It has set a criterion to be fulfilled by the candidates before becoming the members of parliament. These include, honesty, sagacious, injunctions of Islamic knowledge, abstinence from major sins and many others.

3. Article - 63.

This refers to the disqualification of candidates as a member of National Assembly and Senate. It has given

Parameters through which a person could be disqualified. These mainly include, insanity, accused of malpractices like corruption and many others.

4. How these Articles in the present form Leads to Uncertainty and ambiguity.

4.1 Permanent disqualification of members is against the fundamental rights.

Disqualification on the means of corruption permanently is against the Article-17 of the constitution.

Case law: The disqualification of Nawaz Sharif, Tahingir Khan Tareen and many others are cases in point.

4.2 Ambiguity about Islamic injunctions and knowledge leads to uncertainty.

These Articles have not set the parameters of Islamic knowledge to be required for a candidate. These ambiguous nature create uncertainty.

For Example:

Either the criterion is only DUA-E-QANOOT OR Scholar of AL-AZHAR.

4.4 Traits of Prophet ~ SAD40-0- Ameen result in Controversy.

Article 62 proclaims that the candidates must be sagacious, Sadaq, and Ameen. These idealistic nature is a daunting task to be executed on the candidates, which ultimately leads to obscurity.

4.5 Abstain from Major Smis.

Major Smis in these Articles are not defined. Whether it talks about Zina or Hudud ordinance is still open to debate. Similarly the "abstain" word is not clearly defined. The abstinence is before election or after the election.

4.6. Subjectivity of the Candidates is still debatable.

Subjectivity of candidates to Election tribunals or the election Commission of Pakistan is controversial in nature which eventually leads to obscurity in these Articles.

4.7 Disqualification of Candidate is Ilusinary The

disqualification of Ex-PM Yousaf Raza Gillani and Ahmad Ghaffoori cases are enough to mention in this regard.

5. Need of Amendments.

There is a need to amend these Articles in order to put lid on the uncertainty of the constitution.

5.1 Subjectivity of these Articles must be transformed to Objectivity.

The subjectivity of these articles needs to be changed into Objectivity at priority level. The constitutions around the world are not idealistic rather they all are more practical.

5.2 The country needs to follow the American Model in this case.

The American Model in this case is more feasible for country to be followed in both letter and spirit. The terms and conditions of the context of constitutions and Articles must be clear and understandable.

Critical Analysis:

Thought the Constitutional and political history of Pakistan, these ambiguous mixture of Articles added to the instability of the country in terms of generating constitutional crisis as well as creating political instability. Moreover, these Articles have increased the culture of judicialization of politics and politicization of judiciary in the country which in turn has had negative repercussions for democracy and the sustainable growth of this country.

Conclusion.

It goes without saying that A-62 and A-63 encompasses some Superior and Ideatic aims which cannot be practiced in their original forms, enabling the atmosphere of uncertainty in the political discourse and constitutional supremacy of the country.

Introduction. ^{Q5}

The Government Act of India 1935 was a landmark constitutional and political document in the history of both Pakistan and India. It introduced features like bicameral legislature, federal budget, provincial autonomy and many others. Critical appraisal of this Act reveals that it embodies both pros and cons. The pros mainly in the form of it checked the way of democracy, introduced parliamentary form and many others. But at the same time, there were shortcomings as power was not transferred to Indians, budget was still in control of Britishers and internal.

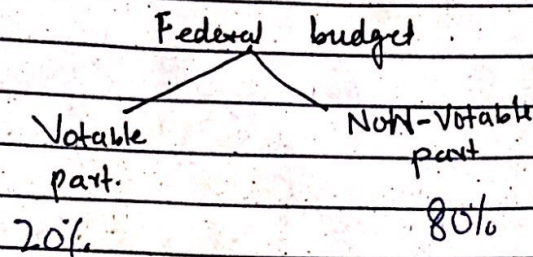
2. Salient Features of the Government Act 1935.

2.1 It established bicameral legislation in India.

This Act for the first time introduced the bicameral legislation in India.

Bicameral legislation \leftarrow Lower House
Upper House.

2.2 It initiated the mechanism of Federal budget.



This Act introduced the mechanism of budget for India. The budget was consisted of two parts. Major part was still in the control of Britisher.

2.3 It introduced all Indian Federation.

The federal spirit was for the first time introduced in this Act. Likewise it divided the whole territory of India into Provinces.

2.4 It ensured the provincial autonomy.

Similarly, Provinces were given immense power in terms of legislation, Taxes duties and many others.

2.7. Dyarchy was abolished from provinces and installed in center

Similarly, the system of dyarchy was eliminated from the provinces. which was a great step. Provinces were in many demands got freedom but it was still in place in center. likewise taxation, currency and foreign relations were still in the hand of Britishers.

2.8 Federal Courts were established

The Supreme Court was established for all Indian Federation for the first time.

Critical Analysis: The Pros & Cons of this Act.

Pros: This Act on one hand gave significant advantages to the constitutional and political development of both India and Pakistan. likewise

- It paves the way for democracy.
- It introduced Parliamentary Form of governance.
- It ensured the culture of Federation

3. Cons or Shortcomings of this Act.

5.1 This Act did not transform power to Indians.

Indians were expecting that the Britishers would transform all the democratic power to their hands. Important subjects and control were still in the hand of British even after this Act.

5.2 High power with Governor Generals and Secretary of India was a source of concerns for Indians.

This act empowered the office of Governor General and the hands of Secretary of India which was not only anti-democratic but also erupted the feelings of alienation amongst Indians.

5.3 Financial autonomy to Indians was not granted.

Even though, the Act introduced budget, yet most of its part - 80% was non-votable. Meaning that it was in control of Britishers.

Reception of the Act:

Both Congress and the Muslim League categorically criticised the Act.

Nehru called it "This Act is like a machine having strong brakes but no engine".

Quaid-e-Azam criticized it

"This Act is fundamentally bad, thoroughly rotten and totally unacceptable".

Conclusion.

In short, The Act 1935 provided such feature to Indians which encompassed both pros and cons. Both the leading parties to the time criticized it.