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LMS - 31-256
Batch - 349

Q3 Ans: Introduction:

The Senate in the United States is the only second chamber in the world that is more powerful than the first one. This is because, its members are directly elected, thus its hold in the government is ^{greater} to the basic credential of democracy. Moreover, they are real representatives of the people. It has vast legislative powers, and the only chamber to have financial powers, ~~ex~~ it has ~~also~~ direct role in the executive, and judicial powers regarding their appointments.

~~How~~ / The Senate is More Powerful than the Lower Chamber in the United States:

(a) Financial Powers:

It is the only 2nd chamber in the world that possesses the power of originating money bills. In ~~the~~ all other world legislature, the power of money bill lies with the lower chamber of the house.

(b) Executive Powers: Similarly the executive powers lie with the President - head of the executive, but in the most

important execution, it has direct role and share with him. It possesses the power of declaring war, though the war declaring power lies with President. Similarly, the appointment of sending ambassadors to other countries, important high officials appointment and awarding or granting loans to other countries, the President is bound to satisfy it from the Senate.

(c) Powers of Accountability:

The Senate Committee possesses the power of holding accountable any person, even the President of the country. It can investigate any person about his activities and he will be liable to answer.

(d) Legislative Powers: Akin with that of lower chamber, it possesses the power of originating any bill and make can do legislation.

(e) No. Case to Sideline Senate:

There are some cases where President is sidelined like in law making, Judiciary can also be sidelined.

in executive functions, but there is no such scenario where the consent of senate of is sidelined.

(f) Judicial Powers: The Senate of the US has also direct role in the judicial power. The President in the appointment of judges is bound to take the consent of the Senate.

Why Senate has made so powerful:

There are ~~two~~ ^{some} multiple reasons for its vast powers. possessions:

(a) Directly Elected Chamber: Its members are directly elected, and so making it powerful is according to basic tenet of democracy.

(b) Real Representatives of the State:

Its members are real representatives of their respective states, as they are elected for overall state, rather than a local constituency.

(c) Long Tenure: Unlike the lower chamber which has only

2 year tenure, It has long
6 years tenure, this enhancing
its powers.

Conclusion: The Senate in the
US is the only
second chamber in the
world which possesses unlimited
powers as discussed above.
The main reason behind
it is to inline with
the basic tenants of democracy
as they are real
representative and directly
elected chamber of
the world.

Q4 Ans: Introduction:

Article 62 and 63
is about the disqualification
of a member of the
Parliament is disqualified
from the parliament in case
of any law violation conviction,
the/she will be disqualified
from for the general election
nomination for lifetime, is
mentioned or stated in the
article 62. However, in article 63,
the tenure for disqualification
in the article - 63 is 5 years.
Both of these articles were
inserted by a military dictator
which has created constitutional

ans is relevant but poorly
composed
4 page ans is too short for
20 marks
need more headings and
quantity of ans
8/20

(2)
uncertainty.

~~How~~ Article 62 and 63
has Created Constitutional
Uncertainty in the Country:

There ~~is~~ is no tenure mentioned
in the article- 62 of
disqualification, which has
created an atmosphere of
confusion. Now, there are 3
ways to deal with it,
but all of it is
seemingly, that it will derail
the basic tenets of
democracy in the country.

(a) Taking of Guidance from
Article- 63:

The first way
to tackle the debacle of
disqualification tenure is to
take guidance from article- 63,
where disqualification means
disqualifying ~~from~~ for 5 years.
But, the question arises that
both of these articles
are inserted by a dictator,
so how one bad will
be justified through another
bad. then, it has
further aird constitutional uncertainty.

(b) Solving through Judiciary:

Secondly, Judiciary

write article 184/3
advisory jur of sc as reference

can also tackle this issue,
keeping in mind the
basic spirit and fundamental
human rights in mind. But
again, legislation is the
work of Parliament, and
it will be against the
civilian supremacy.

(c) Solving through Parliament:

The last option remains that
it should be dealt by
the Parliament, but currently
no elected setup is in
the parliament. The caretaker
govt has no authority to
legislate on such matters.

So, it has constitutional
uncertainty in the country,
as there is no
solution seeming for tackling
the dilemma.

too short incomplete ans
5/20

Conclusion: In brief, it has made
obvious that article 62,
and article 63 has created
a constitutional crisis. The only
option which can Pakistan's
Judiciary used as to delay
it upto the next elected
Parliament, and then its
handling by the parliament can
be in line with the democratic

principles.

Ans: Introduction

In British there is Parliamentary form of govt and so Parliament is Supreme. It's supremacy came through evolutionary process since Magna Carta (1215) to the acts of Parliament of 1911 and 1949. British Parliament has vast unlimited powers ranging to legislative, executive to financial powers. However, its powers can't be called absolute as it has been limited by party system, informed masses and media and Press.

Supremacy of British Parliament:

There is a famous saying that "Parliament can do whatever it wants, except a man to woman and a woman to man".

In UK there exist, supremacy of Parliament as discussed under its vast powers possession:

(a) Legislative Powers: Parliament of the British possesses legislative power, akin to that

principles:

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(a) Legislative Powers: Parliament of the British possesses legislative power, akin to that

of other world Parliament,
But here its decisions
are final and final.
It can't be reviewed or
challenge in any court, as
there is no concept of
Judicial review.

(b) Executive Powers:

The cabinet of
the UK is formed from
the Parliament, which controls
all the executive functions
of the country. Similarly,
merging of executive and
legislative has also strengthened
its powers. Moreover, all
the important appointment and
foreign policy is determined
by the PM in practice.

(c) Judicial Powers:

Judiciary judges
are made by the PM,
along with assent of the
Monarch, further raising the
power of Parliament.

No Absolute Nature of the Parliament in Legislation:

Though the UK Parliament possesses
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(3)

(a) Presence of Opposition:

the presence of well qualified opposition, and their criticism hampers the parliament from absolutism.

(b) Freedom of Press and Media:

The presence of able and efficient press and media, keep a check on the legislation of the parliament.

(c) Politically Aware Masses:

the politically informed masses, also limits the excessive power of legislature.

(d) Party Members / Strong Party System:

Cabinet and majority party while making legislation also takes care of the party members, which also limits them from overwhelming power.

Conclusion: The US Parliament is supreme - possessing unlimited powers, however, presence of some factors limits its overwhelming power.

similar issue incomplete ans

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