

## Part II

Q# 3

### Introduction:

The Constitution of Pakistan gives the right of judicial review. The judges has the right to take desions on various problems.

Article 184(3) describes that the justice of Supreme has the authority about the cases. Nowadays after the implementation of Procedure Act 2023 it became a question whether it shares the authority of judicial organ and expands the power of parliamentary or not? The judicial power does not expand the powers of parliament. It lesser the powers does not decrease the power of judicial authority but divides the power among the members of judicial authorities.

## overview:

The judicial review used in USA for the first time during the Marbury vs Madison case. The various constitution adds the power of judicial review and gave the powerful authority to the justice in order for taking various decisions.

## Historical use of judicial review in Pakistan:

Pakistan has used the judicial review power during various time.

This power has used during Mulvi Tameez ud din case, various Justice like Jaffer Khan Akram Ghidri, Justice Saqib Nisar, Justice Umer Aftab Bandial has used this authority.

How judicial review in Pakistan does not expand the supremacy of parliament

The judicial review is still the

authority of justice through various ways.

## Importance of justice and the role of judiciary:

Judiciary has the right to resolve various judicial decisions. Various cases are resolved through court not by through parliaments.

## Numbering of judges increase/ power shifting from one person to other.

The power of justice divides among various justice not between the parliament and judiciary. The various judges now pass the orders according to law.

## Supremacy of judicial authority.

The supremacy of judicial authority remained the same. The judges have still authority to handel various cases.

## limited powers of parliamentary authority ~~during~~ legislation

1/ legislation: The basic purpose of parliament is to make law. The various problems of the nation are discuss in the parliament. The parliament does not have power to take descions or resolve various types of cases.

## 2/ authority of both opposition and parliament:

The parliament is the state organ where the members of both parties from opposition and establishment. They have to make law when both parties were agree.

## Implementation of law and its disobedience punishment is the sole power of judiciary:

The law implment on various organs. ~~through~~ If any person violates the law then the judiciary

has the power to punish a person

## Purpos of new judicial review (Practice and Procedure Act 2023)

### Promotion of Justice:

The purpose of this act is to promote justice not to create certain boundaries in the way of justice. The majority desicions of the judges will provide a good desicion about any matter.

### Appealing right

This act provides the justice by provision of the right to appeal for which decision were taken by through judicial review.

### Division of power:

Division of power among various justices provide a good desicion.

### Conclusion:

To sum up we can say that the judicial review does

\_ / \_ / 20\_

expense the power of ~~justices~~ ~~partimed~~ power remains the same but it divides among various justices.

Q# = 2

### Introduction:

Aristotle was the student of Plato. He obeyed various concept of Plato but still it presented various characteristics.

### Overview

Aristotle presented the concept of state and governance. He had seen the war of Athens and observed the causes of fall and rise among the nation.

### Concept of State and governance.

Aristotle defined the concept of state and governance in his book "Poetics".

## Characteristic of ruler.

The ruler must be a philosopher. He should have the courage and bravery characteristics. Wise and honest and work for the nation.

## Limited area of state/ structure of state:

According to Aristotle the state not too big and not too small. It has the average size where the king can easily handle the problems of defense.

## size of population

The size of population was not too small and not too large. Due to the average size of population the king can easily govern and fulfill the necessities of the people.

## Absence of communism in ~~with~~ Property:

Aristotle does not promote the atomization of family property.

### Right to family:

The Aristotle has the right of family. The king can make his family because it his right.

### Aristotle's concept of state and relevancy to modern era

#### Introduction:

Aristotle has the right to make. Aristotle has present marvelous ideas about government. We can observe that various elements are still related to the present states.

#### Supremacy of law

Aristotle presented that the law is supreme. The nation should obey the law. The ruler



has the authority to punish disobeyed people. There are various kinds of state in the world those follow the aristotalian concept of law

### Family right:

Aristotle promote the right of having family. The ruler has the right to make family.

### Absance of the communism of wives.

Aristotle's concept of the absance of the wives' communism is still prevail in the world.

### Educational system

Aristotle promote is a unique kind of educational system. This educational system has adopted in various countries like switzerland adopted the concept of the Aristotalian educational concept-

### Concept of ruler:

Aristotle presented the concept ruler which has courage bravery and know how to tackle

various problems. Nowadays the ruler is considered wise and intellectual.

### size of population:

Aristotle depicted the size of population according to Aristotle the size of presented the size of population according to its size of city. At the time the Greeks divided their state in various cities where a king governs over its territory.

The size of population is still accepted according to the size of territory and Population explosion is still not accepted at all.

### Monarchy form of government:

Aristotle presented the concept of monarchy. According to Aristotle monarchy is a best form of government. There various states where monarchy is still accepted as a best form of govt like Saudi Arabia and Malaysia etc.

## Conclusion:

To be concluded we can say that Aristotelian concept is a universal kind of concept as we observe a lot of characteristics in the present's states.

## Q # 6

## Introduction:

18th amendment is one of the greatest revolution in the constitutional history of Pakistan. 18th amendment has brought various kinds of amendment in the constitution which gives a lot of power to the provinces rather than center.

## Overview

There are various events which proved a lot of changes in the history of Pakistan. 18th amendment has brought a revolution. As a famous journalist said that

\_ / \_ / 20\_

18th amendment is  
a kind of mini  
Constitution.

### Provincial autonomy:

18th amendment  
has brought provincial autonomy  
The provinces bring a lot of changes  
in the due to their power.  
The provinces has got the power  
to use their authority for the  
betterment of the provinces.

### NFC Award:

The biggest achievement  
for of 18th amendment is the  
provision of NFC Awards. It is  
the greatest achievement. The provinces  
can get the finance according  
to population, terrorist activities, and  
the poverty.

### Abolish the Next NFC Awards-

When the government  
proposed the next NFC Award the  
provinces have more power than

\_ / \_ / 20\_

before. According to 18th amendment the provinces have more share according to NFC Award.

### Abolishment of concrete list:

According to 18th amendment the concrete list abolish there are two present in the constitutions which are Concrete list and Federal list. In this way the provinces have got more authority of finance rather than ever before.

### → Right of Domestic affairs.

18th amendment give the authority of domestic affair like health, cleanliness etc gave to the provinces rather than on center.

### Educational right:

18th amendment gave the right of education to the provinces. The edca provinces has now the authority to improve their

educational system.

## Powers of CM:

18th amendment enhances the authorities of CM and gives the power to handle provincial problems.

## Emergency power:

According to 18th amendment the emerg president will impose emergency through the ~~with~~ consultation of the CM and governor General.

## Power of PM:

The <sup>18th amendment</sup> ~~president~~ enhances the power of PM. 18th amendment made the president as a titular head of the state.

## Selection of ECP:

18th amendment gives the power to both oppositional and establishment in the selection of ECP. Eep Now both the presi oppositional and establishment take part in the selection of

of ECP  
Parliament

amendmen  
governme  
in the  
Protee

prote  
and s  
guara  
of

of ECP

## Parliamentary form of government

According to 18th amendment parliamentary form of government should be implemented in the country.

## Protection of individual's rights

18th amendment protect the rights of individual and allow the individual gives the guarantee to individual for the protection of basic rights during emergency.