

Part - II

Section - A

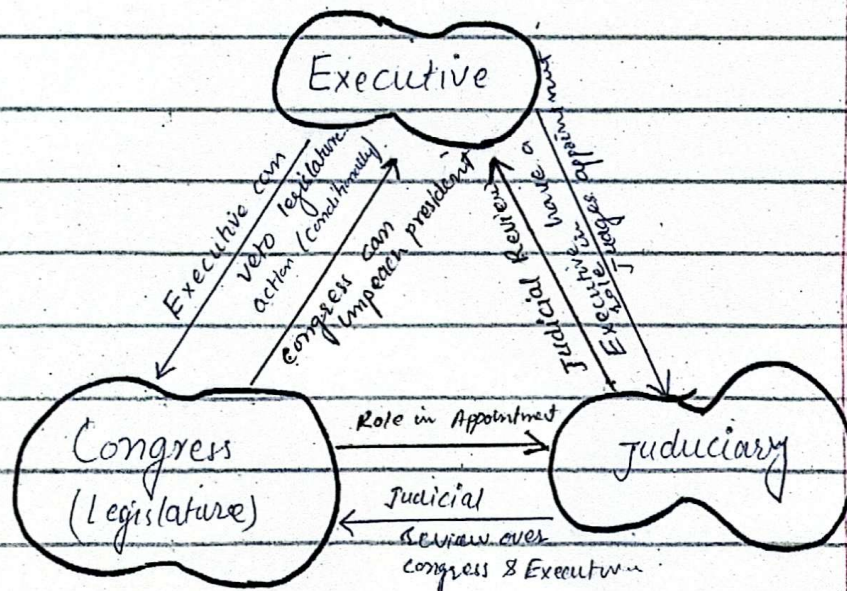
Question - No. 2

1 Introduction

Checks and balance system makes the US constitution, one the best constitutions in the world. The judiciary, executive and legislature have certain checks and balances on each other. Each cannot override others jurisdiction. Thus, each having a check on other. One cannot ~~over~~ be a dictator. This system help government in smooth functioning. Pakistan can take benefit from the check and balance system of the US by replicating the same system in spirit.

2 What is the system of check and balances in the US constitution.

The US political system has three main organs on the basis of Montesquieu's theory of separation of power. Each organ has a check on other so that none could absolute power.



Checks & Balance System in US constitution

i) Executive:-

The US executive have check on both judiciary and congress. For example, president can veto

any legislation of congress. Similarly president has a role in appointing judiciary.

ii- Judicature:

In the US constitution, judicature can use judicial review on both president and congress's any order if they are not in accordance of the constitution.

This way, the judiciary also have a check on the executive and legislature.

iii- Legislature (Congress)

legislature in the US is called congress. The House of representatives and the senate combinedly called ~~leg~~ congress in the US political system. The congress have the power to impeach president and judiciary and have also a role in appointment of ~~just~~ judges.

In short, each organ of state have a check on the

other, this called checks and balances system in the US constitution.

- 3 Effectiveness of checks and balances in preventing the abuse of power. checks and balances system has been very effective in the USA. More than two centuries have past to the constitution, still the government has worked smoothly. The US president being the most powerful president in the globe did never override its constitutional mandate. This because of checks and balances system. Judicial activism in the US constitution is limited, the reason is same. Similarly, despite passing two hundred years only 27th amendments could possible in the US constitution. This is because of the checks and balances system in the US constitution. In short, checks and balances system is the most powerful and vital section

of the US Constitution.

4. Lessons Pakistan can learn regarding separation of powers, judicial independence, and executive accountability

It is evident that separation of power is very important for a federal state like Pakistan following points show, how Pakistan learn from the US's check and balances system.

4.1 Historical context.

In short history of Pakistan, The executive & judiciary both exceeded their limit and jurisdictions. For example, The executive, The Governor General Ghulam Mohammad dismissed the Constitutional Assembly and prime minister. Similarly, Farooq Leghari twice dismissed the elected governments being chief executive of the country. Moreover, Article 58(2) b and the subsequent power of executive played a negative role in functioning

Similarly Judiciary has validated the illegal steps of dictators. The elected government of ~~Mr~~ Nawaz Sharif dismissed by Judiciary. Similarly, Prime Minister Gillani dismissed by supreme court. In short, imbalance of state organs have halted the growth of democracy in Pakistan.

4.2 Lessons for Pakistan

Curtail the unbridled power of president, which already done in 18th amendment. Moreover, Judiciary must have a check not to amend constitution like 8th and 17th amendments which gave unbridled powers to executive.

In same way, judiciary should be curbed. The 26th and 27th amends are right steps in the direction. However, again, giving more power to executive and legislature over judiciary under estimated the separation

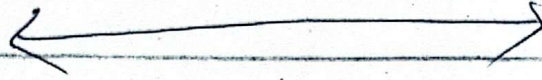
power theory itself.

In short, judicature, legislature and executive should have checks on each other then the power tussle among state organs will be resolved in Pakistan too, just like in the US. Then there will be no further Article 58(2) B or Article 184 (suo motu power) with judiciary.

5. Conclusion

Separation of power plays a vital role in smooth functioning of a government. In fact, the best thing of the US constitution is the same section of separation of power. Pakistan is also a federal state, confronting executive and judicial dictatorship. Thus, to make executive accountable and hold judiciary in its limit need a proper separation of power framework in Pakistan. So that, the executive and judiciary

could not override each other and
on government.



Question No. 3

1 Introduction

Turkey got independence in 1923, after the abolition of sultanate - Usmania. The founding father of Turkey ~~is~~ Mustafa Kamal Pashawa was a general. Thus, Turkish military played a big role in the history of Turkey. More than four coups were occurred in Turkey. The military has been the defacto ruler of the country. However, after 2000, reforms began, civilian political party became powerful. The AKP party of president Erdogan played a vital role minimizing Turkish army's influence in politics.

2. Historical Role of Turkish Military in Politics.

Historically, Turkish military has been played a very significant role in politics. From the very inception to the present, military has a role somehow.

2.1 Military as a guardian of the constitution.

Turkish military considers itself as the guardian of not only borders but also the constitutions of the republic that's why it strongly involved in politics.

2.3 Military Coup in 1962:

Turkish military managed a coup and took control of country in 1962. The reason for this coup was the political instability.

2.4 Military Coup in 1972

As discussed, military was considering itself as the sole guardian of country. In 1972,

military take over the reign of power citing economic crisis. They said civilian government unable to run and stabilize country. Thus, military has the responsibility to intervene in state matters.

2.5 Military's intervention in political parties.

In 2007, Abdullah Gül won presidential elections. military barred him from being president because his wife used to wear a headscarf.

Imagine, the level of military involvement in Turkish politics.

3. How has the influence of military changed in recent years?

The rise of AKP party under Tayyip Erdogan proved a milestone in reduction military role in Turkish military. So, let us analyze the contemporary role of Turkish

military in politics.

3.1

Reforms in Türkiye:

Many reforms have been introduced in Turkish politics after 2000 especially. Due to these reforms role of military reduced in Turkish politics.

3.2

Helsinki Summit of EU

In 1999, EU's Helsinki Summit offered Türkiye to reduce its military influence in order to gain EU membership. Thus sweeping reforms introduced to bring civilian supremacy in politics of Turkey.

3.3.

Rise of AKP in Türkiye.

In fact, rise of AKP party of Erdoğan was the most important reason of military's isolation of politics. Under this party many coups rejected by the ~~pop~~ people of Türkiye such as failed coup of 2016.

3.5 Social media and Public awareness

Social media played a vital role in reducing the involvement of Turkish military from Turkish politics.

For example, The 2016 famous coup failed due to social media uprising. President was on a vacation. Military try to take over presidential place. Erdogan appealed public in a livestream social media message. Public rose and make the coup failed.

4. Contemporary Role of Turkish Military

4.1 Limited Role:-

Currently Turkish military is on backfoot in politics. Many generals have been sacked and punished by Erdogan after failed coup of 2016.

4.2 Armed Force Command under civilian rulers.

The command and appointment of Army generals purely in the hands of president and defence departments. The political role therefore got limited.

4.3 Turkish military ideology still exists (intact)

Although, the military's role has become limited, the ideology and thinking of military to be the dominant segment of society and Republic of Türkiye remains as such. This can be threat for civilian governments.

5. Implications for Civilians' Supremacy and democratic consolidation

5.1 Political instability can involve military again.

In future, it is likely that the military support some political segments to subdue other. Thus,

5.2 Functioning Democracy:-

Turkiye

still ~~ma~~ lacks functioning democracy. The power went to one party i.e. AKP after military. This is a bad signal this can be reverse at any time. If the transition of government from one party to another not happen and the military's position ^{does not} remain as such. There is chances of bouncing back military involvement.

5.3 Authoritarian tendency of AKP party.

Critics argue that the Erdogan ~~corps~~ consolidated an authoritarian regime. This is not good for civilian supremacy and democratic consolidation.

6 Conclusion

Turkish military has been playing a strong and significant role in Turkish

Turkish politics. However, the reforms in politics and rise of AKP has reduced the role of military in politics. still there are implications in for the civilian role and democratic consolidation. True democratic pathways and free and fair elections can reduce threats to the civilian supremacy and democratic consolidation.



Question-No. 8

1 Introduction

The recent constitutional amendments brought sweeping reforms in the constitution of Pakistan. Though these amendments, the increasing judicial activism can be curbed but critics say, these amendments will create imbalance between institutions. The 24th amendment

will paralyze the judiciary in Pakistan. Also, these amendments have given sweeping powers to military. This will likely create imbalance among institutions.

2 Critical assessment of 26th and 27th amendments

2.1 Addition of Article 9A:-

Article 9(A) of constitution which says clean environment is a fundamental rights. This is a very encouraging step in the constitution.

2.2 Elimination of Riba

Deadline to eliminate from 1st January 2018 is a good step, but this is not going to happen. Because there is no way, Pakistan eliminate interest and riba from all banks and from entire system.

2.3 Establishment of FCC

Under 26th amendment only branches of Federal court

constitutional branches were formed. However, under 27th amendment, a new court i.e. Federal Constitutional Court (FCC) have been established.

Critical Analysis- Though the intention for a separate court for constitutional was good. However, the supreme court undermined. The way this court was established, it divided judiciary and weakened the entire judicial organ of the state.

Thus, in long run FCC and the judiciary will be undermined entity under executive and legislature.

2.4 Creation of CDF and restructuring Armed Forces Command system

The creation of chief of Defence Forces CDF and abolition of the portfolio of joint chief of staff

give more power to Army.
 The CDF will be the head of all three forces i.e. the Army, the navy and the Air force. This might create institutional imbalance among institutions.

2.5 Life time freedom from Accountability to Field Marshal and President

Under 27th amendment the life time freedom from accountability to field Marshal and president is grave concern. These people can do whatever they want, as they are not accountable to any court. Thus, this step will undermine the political and social fabric country. How a person can be above the law.

2.6 Judiciaries appointment and Transfers

Under 27th amendment the

the appointment and transfer of ~~are~~ judges from one court to any court across Pakistan is given to executive. This gravely undermines the independence of judiciary.

3. How these amendment effected the governance, institutional autonomy, and the balance of power.

3.1 Effect on Governance:-

Since executive got sweeping powers over other branches of governments such as judiciary. Thus, it will further lead to weak governance. For example, the working central bureaucracy.

3.2 Effects ~~of~~ on Institutional Autonomy

Institutional autonomy is at stake due to 26th and 27th amendments in Pakistan.

Judiciary is the biggest example in this regard. The autonomous status of judiciary has been snatched due to these amendments.

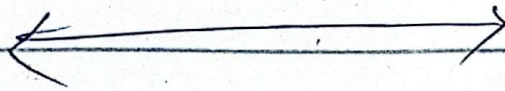
3.3 Effects on Balance of powers

The balance of powers have badly damaged due to 26th and 27th amendments. The legislation, Executive and Judicature has become imbalance. The power given to army over other branches of defence such as the navy and Air force also created imbalances. In short, 26th and 27th amendment have severely created a power imbalance among institutions in the country.

4 Conclusion

In sum, the recent amendments in the constitution has created more problem rather

rather solving issues. For example, weaken judiciary and created a balance of power crisis among state institutions. Given an unexpected power dominance to army and the field Marshal. Nonetheless, it will halt judicial activism in Pakistan which was a grave issue in Pakistan. However, this could not be on the cost of weakening judiciary.



Question- No. 7

1 Introduction

Pakistan is facing a grave economic crisis. In fact, this has been a burning issue for some decades there are many causes for economic crisis. For example, climate change, increasing population and internal instability of the country. Similarly, inflation

inflation, fiscal deficit, foreign debts and trade imbalance brought this economic crisis Pakistan. Overcoming population growth, climate change and bring internal political and social instability, Pakistan can overcome its economic crisis.

2 Analyses of Economic crisis of Pakistan

Pakistan has facing a big economic meltdown in contemporary era. There are various reasons, for this. The following challenges are the most immediate reason of ~~economic~~ economic crisis of Pakistan.

2.1 Inflation:-

The devaluation of currency is called the inflation. Pakistan has facing a big challenge of inflation currently. In fact,

its a global problem. However, especially Pakistan has a high inflation rate which is around 11% currently. This is one of immediate reasons of economic crisis currently in Pakistan.

2.2 Fiscal ~~Deficit~~ Deficit:

It means that the total expenditure are more (exceed) the total income, such a condition is called a fiscal deficit. Pakistan has a large fiscal deficit, which is another reason for current economic situation of Pakistan.

2.3 Trade Imbalance:

Pakistan export much less than its imports. This makes its trade imbalance. This is yet another biggest reason of current economic

challenges in the country.

2.4 Foreign Debts:

Most of the GDP go for debt serving. Thus Pakistan cannot grow financial unless become free from foreign debts. This is another challenge which make Pakistan an economic vulnerable country.

3. Viable Policy Measures for Pakistan to Achieve Economic stability and Sustainable Growth in Near future

3.1 Overcoming Population explosion

3.2 Navigating climate change threats

3.3 Bringing internal ~~stability~~ stability

3.4 Eliminating Terrorism

3.5 Improving Foreign Investment

3.6 Investing in Technology and Artificial

Intelligence

3.7. Boosting Agriculture and Industrial sector

3.8. Looking opportunities for blue economy and shrimp farming

3.9. Reducing Inflation, foreign debts, Trade deficit and Trade imbalance.

4. Conclusion

Although, Pakistan has facing numerous challenges in its ^{economic} sector like trade deficit, foreign debts, and inflation, It has numerous opportunities for boosting its economy. The need is to overcome the challenges such as population explosion, climate change, and expanding trade, exports and agricultural products. In short, Pakistan will soon bridge its economic inefficiency because it has vast economic resources

