

Political Science - II

Part-II

Section-A

Q2:-

(1)

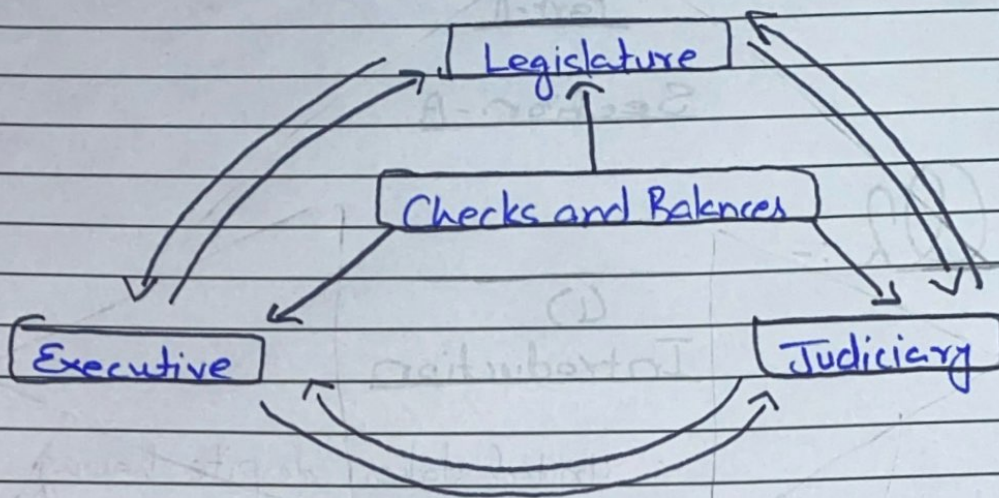
Introduction

United states despite having a short constitution, 7 Articles and 27 amendments, is well known in its strict checks and balances in its overall domains of legislature, executive and judiciary. Each organ of the state has been given authority to keep an eye on affairs of other to prevent any institution's tyranny in decision making and overall governing. The checks and balances in US ranges from legislature holding president and his cabinet accountable, to president having powers to veto any bill proposed by legislative branch and judiciary checking on laws' validity and exercising judicial activism against executive's excess decisions. Pakistan can learn alot from the strict constitutionalism and the domain of keeping checks by one organ over another.

(II)

How the system of Checks and Balances Work in United States

The system of checks and balances remain along all the three organs in US. Following are the checks of organs over others:



a- Legislature's check on Executive and Judiciary

The US Constitution in Article 1 provides all the powers of legislature. The powers vested with this organ for checks and balances is that it can impeach the President, moreover, the check on judicial organ is that the judges can also be impeached and their appointments and selection also depends upon the organ of legislature. This ensures that there is no abuse of powers by executive and the judicial branch.

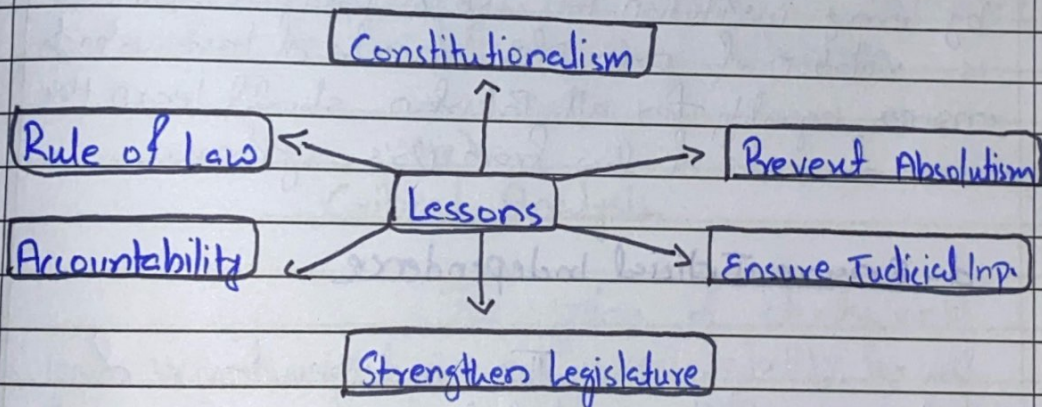
b- Executive's checks on Legislature and Judiciary

As per Article 2 of the US Constitution, the executive responsible for enforcement of laws also exercise the powers of checks and balances. It's check on legislature is that, the President can veto a bill passed by the branch. Moreover, executive is responsible for final appointment of judges appointment of district judges creating the system of checks and balances.

c- Judiciary's checks on Legislature and Executive

Article 3 of the US Constitution deals with the judicial branch. However, constitution does not directly state powers of checks and balance. These powers have been determined through the case of Marbury vs Madison. The powers vested over legislature is that the Supreme court can challenge constitutionality of any law. Moreover, by exercising judicial activism, judiciary has the power to question any action of executive and declare it void. This combinedly creates a system of checks and balances.

(iii) Lessons for Pakistan to Learn From US's System of Checks and Balances



a- Constitutionalism

The system in US strictly sticks to constitution. It is constitution that always prevails in US. The lesson for Pakistan is that it should enforce all the provisions of constitution with full zeal and spirit. This will ensure smooth functioning of state apparatus that is often disturbed in Pakistan.

b- Prevent Absolutism

In US, state organs are held accountable for their actions. However in Pakistan, governments are found creating an atmosphere of political polarization and leave no space for criticism. This creates absolutism and gives executive enormous power. Pakistan should learn to keep balance and protect its civil society and take criticisms as positive suggestions.

c- Rule of Law

Moreover, US constitution ensures protection of fundamental rights in its 'first ten amendments', these are upheld and protected by every institution. In case of Pakistan, there is violation of principles of rule of law which ensures equality for all. Pakistan should learn the essence of rule of law from US's system.

d- Ensure Judicial Independence

The independence of judiciary is fully protected in US. However, in case of Pakistan after the recent 26th and 27th amendments, judicial organ has been made inferior to executive. The powers granted by Article 184(3) and Article 199 have been compromised. The lesson for Pakistan is to ensure independence of judiciary and make sure laws are equitable for all.

e- Promote Accountability

In US, all organs are held equally accountable by one another. However, in case of Pakistan there can be found no accountability on part of executive and its sub-organs. The lesson here for Pakistan to ensure good governance is to ensure accountability of all.

f- Strengthen Legislature

The legislative branch is found to be less strengthened in Pakistan. If opposition demands answers from executive, it is found that their voices are silenced by forceful means. In US, legislature is so strong that it can question authority of every institution of state. The lesson for Pakistan is therefore to strengthen its legislature.

(iv)

Critical Analysis

The system of checks and balances in US ensures accountability for all. If executive is found exercising arbitrariness, judiciary intervenes, if judicial branch exercises excess powers its members could be impeached and if legislature passes a law that is against constitution or basic norms, executive can veto it and the judicial branch can strike it down. These checks and balances should be adopted for improving governance in Pakistan.

(v)

Conclusion

The checks and balances in US ensures no absolutism, rule of law, ensure judicial independence and checks on all organs of the state. The lessons for Pakistan to learn are promoting and sticking to creating constitutional supremacy, increasing checks on executive, strengthening parliament, protecting rights and ensuring judicial independence. In US each organ works with boundaries set out in constitution, this is what makes its system of checks and balance better than other nations.

x ————— x

Q4 :-

(1)

Introduction

India is a federal parliamentary republic. This means that it has power distributed among its units, having national parliaments and prime minister as head of government and a president that is head of state. The legislative branch of India consists upon 2 houses, the Lok Sabha (lower house) and Rajya Sabha (upper house). The structure, function and powers of Lok Sabha ensures that voices are heard from all corners of India and are addressed. However, the rise of religious parties such as Bharatiya Janata Party have been posing threat to its secular characteristics.

(ii)

Structure, Functions and Powers of Lok Sabha

a- Structure of Lok Sabha

The Lok Sabha or lower house of the Indian parliament consists of 543 elected representatives. Its representatives are elected on population basis through direct elections from their constituencies.

b- Functions of Lok Sabha

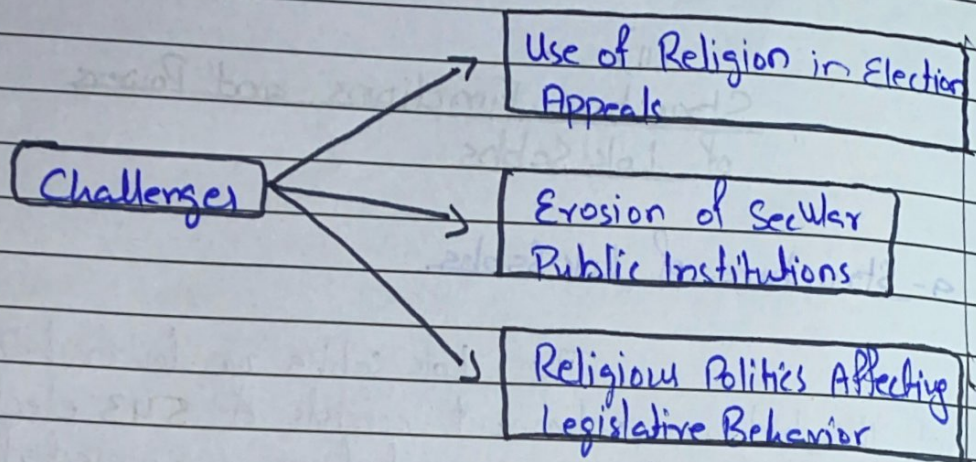
It functions as a legislative body responsible for enacting laws and it is the only house responsible for proposing financial bill. Its other functions involve appointing (electing) prime minister, holding executive accountable and amend laws and constitution.

c- Powers of Lok Sabha

The powers exercised by Lok Sabha are that of legislation, controlling finances, approval of budgets, controlling and holding executive accountable, electing president and vice president and impeaching the president and judges of superior courts.

(iii)

Critical Evaluation of Challenges Posed by Religious Parties to Declining Condition of Secular Principles



a- Increasing use of Religious Appeals in Elections

It is observed that popular parties use religious sentiments to obtain majority vote. This creates division among people and shifts attention away from real issues. This is how secular character of India is being challenged.

b- Erosion of Secular Public Institutions

Public institutions are used for interest of only single group and their supporters. This creates institutional decay and proves lethal for secular structure.

c- Religious Politics Affecting Legislative Behavior

It is widely observed that those wing religious sentiments secure more votes and get in legislative domain. This gives them autonomy to exploit rights of minority and give their own followers more authority.

(iv)

Conclusion

India was to be a secular state where everyone would exercise freedom. This was determined by drafters of its constitution. However, by rise of religious political parties, the secular structure is being challenged. Lok Sabha serves as lower house of parliament of India. It has various powers ranging from impeachments to holding executive accountable. Moreover, its structure consists upon 543 members directly elected on population basis. Lok Sabha's functions involve enacting laws, amending laws and introducing and approving finances for the nation.

X ————— X

Section B

Q8:-

(i)

Introduction

The recent amendments passed by Pakistani parliaments are seen by opposition and independent think tanks to be a tool to oppress and curtail judicial powers of the courts. With establishment of new courts to curtailment of suo moto powers, the authority of courts has been left questionable. Moreover, the lifetime impunity to military leaders, their extensions and lifetime perks and privileges significantly affect the overall governance, balance of power and institutional autonomy.

(11)

How 26th and 27th Amendments Affect Governance, Institutional Autonomy and Balance of Power

a- Affects on Governance

The implications of recent amendments on governance are that they legitimize absolutism and hands unlimited power, authority and privileges to a few individuals. The addition of clauses like lifetime impunity against any charges is against the basic democratic norms. This curtails the authority of any organ including the courts to question validity of any action executed on part of executive or military.

b- Affects on Institutional Autonomy

The Supreme Court before these amendments was regarded as an organ to challenge arbitrary actions of executive and military. However, the recent amendments have undermined institution's autonomy, curtailed its powers and made it subordinate to executive.

c- Balance of Power

As observed globally, the balance of power is ensured when there is checks and balances between organs of the state. The recent amendments have undermined the authority of courts to question the validity of any action.

by executive or military thus disturbing the balance of power.

(iii)

Critical Analysis

The 26th and 27th amendments have undermined authority of judiciary and granted excess authority to executive. The provision of lifetime impunity to selected few have disrupted the actual essence of democracy. For a true democracy it is necessary that all institutions and individuals are held accountable and courts are let free and independently work.

(iv)

Conclusion

The recent 26th and 27th amendments have undermined the process of governance, institutional autonomy and balance of power. These amendments have contributed to disruption in smooth functioning of judicial branch. It has provided lifetime protection to a selected few individuals. Moreover, it undermines democratic norms. These amendments have led to curtailment of voices of common people.