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# Part II

## Section-A

### Question # 2:-

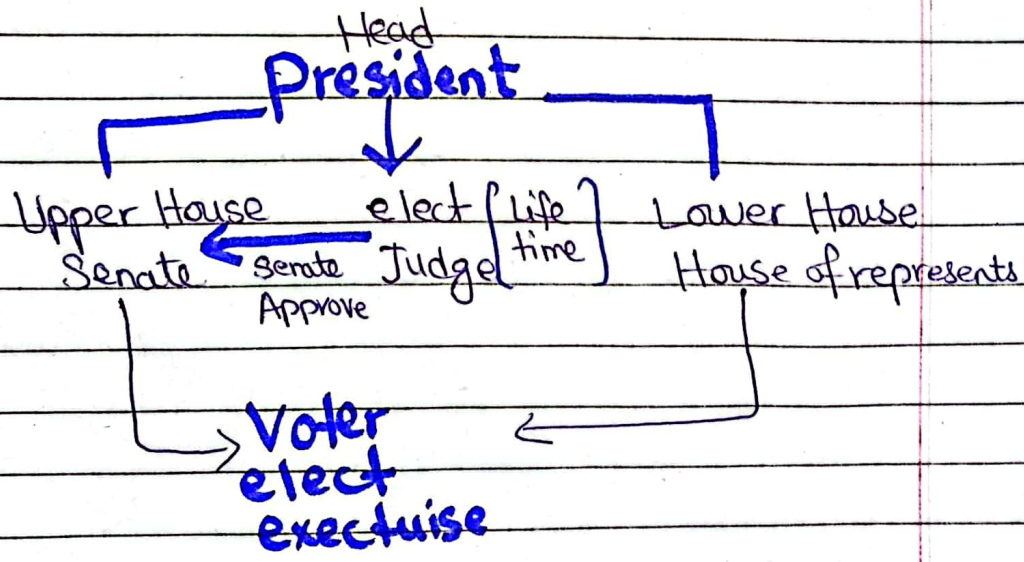
#### Introduction:-

The United state of America is a federal system of govt. USA system comprise on two Houses Upper House and lower House. The system of USA has both strength and weakness. The Notable feature of USA govt is system of check & Balance. The system of check & Balance is designed to prevent the concentration of power in any one branch of government. The USA government system is composed of three branches of government. The legislative, the executive, the Judiciary. The Executive power head by the president



and enforcing laws. The legislative branch make laws and the judiciary branch interpret laws. The judiciary branch composed of Supreme Court and lower federal courts. The system of check and balance is a notable feature of USA government system. It ensure that no one branch of government becomes too powerful, and each branch accountable for its action.

## Federal System of USA





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## Strengths of USA Federal System

Division of power → Powers divide b/w govt & states and dominate each other.



Flexibility → Allow experiments & innovation at state level



Representation → Representation of diverse interest



Check & Balance → provide check and balance of each branch to another.

## Weakness of the USA Federal System

Inefficiency → Create inefficiency at different level



Conflict between levels of Government → Tension Arise b/w National & State



Complexity → Complex and differentiate to navigate



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# The System of Check & Balance

## (i) Executive Check on Legislature

president has the power to veto the bill passed by the Congress. Appoint federal Judges and officials. The president of USA also serve as the Commander of chief of Army forces.

## (ii) Legislature Check on Executive

Legislature can override the president appointment by two-third Majority. Legislature can impeach president by 2/3rd majority. Legislature also pass the laws. Legislature also oversight of the executive branch.

## (iii) Legislature Check on Judiciary



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Legislature appoint Judges  
or the advice of Executive  
Legislature also make  
lower courts.

## Executive Check on Judiciary

Executive advice  
Judiciary and appoint  
Federal Judges. Executive  
Play important role in  
Judiciary

## Judiciary Check on Legislature & Executive

Judiciary Interpret  
laws and ~~reject~~ declare them  
unconstitutional. If any  
law against constitution  
declare them Null &  
void. Declare Executive  
Action Unconstitutional.

**Example:-** if Congress  
Pass a law and President  
thinks that this law is  
unconstitutional. President can

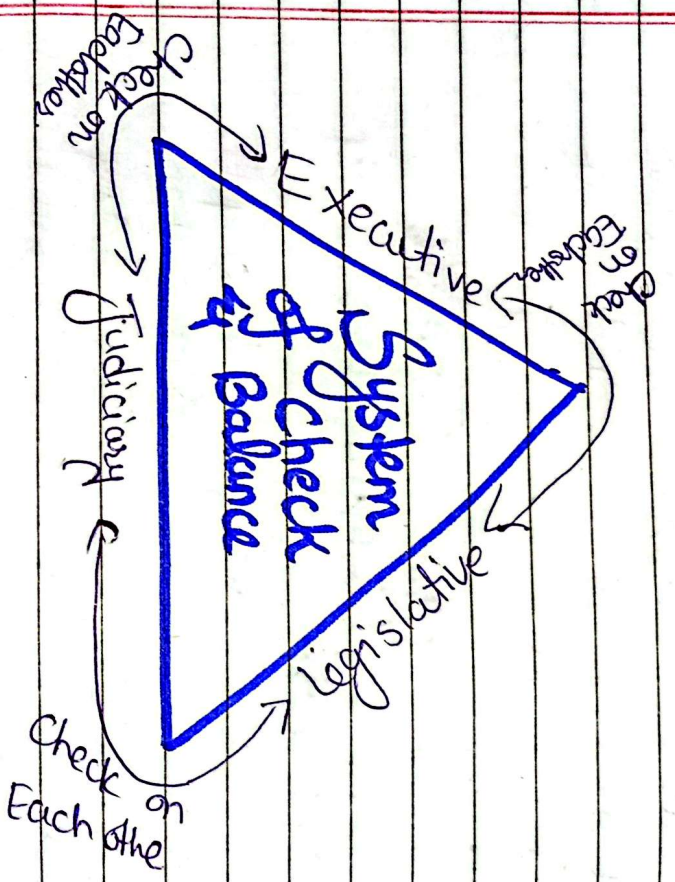


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can veto the law. However congress override with 2/3rd majority in both houses i.e. senate. if the law challenged in courts the supreme court can declare unconstitutional if it is against constitution or not.



## Critical Analysis of the USA

federal system and strengths but USA system considers as a role model in



World. **Montesquieu** also present three tiers of Government system. The Notable feature of USA system is System of Check and Balance and this feature makes the USA system Notable in world. The system of check and balance ensure limits of the actions of the other branch. It promotes accountability and Individual rights.

## **Conclusion:-**

To conclude, The United states of America federal system is a complex and dynamic in nature. It has both strength and weakness. The system of check and balance is most crucial function of USA system. It ensure that each branch of the Government accountable for its action.



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Q no 5:-

## Role of Sir Syed in the development of Muslim political thoughts and identity in British India:-

Sir Syed play pivotal role in shaping muslim political thoughts and identity in British. Sir Syed was born in a ~~pivotal~~ prominent family. He recieved traditional Muslim Education later on He studied knowledge of islam and western ideas. Sir syed experienced the Indian war in 1857 that significantly influenced his ideas. He was loyal to the British government and this reward him with promotion of Sadr- Amin. However, he also emerged as a Muslim Nationalist.



in ~~western~~ Subcontinent and South Asia politics.

Conclusion:-

Sir Syed Khan has a great contribution in the development of Muslim political thoughts and identity in British India. He plays an important role in shaping Muslim identity and advocating Muslim rights. His ideas on two-Nation theory became the groundwork in the creation of Pakistan.

Qno 6:-

The Relationship between Judicial activism and poor governance is complex.

According to Black Law Dictionary

Judicial Activism is a philosophy of law where a judge allows their personal views about policies.



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## History of Judicial Activism in Pakistan

In Musharraf Era,  
'Musharraf remove Judges  
The lawyer strike down  
against Musharraf. In  
response Musharraf taken  
his decision back. The  
result of this movement  
was. Chief justice of  
Pakistan Iftakhar  
Chaudhry remove law  
Doctrine of Necessity.

### (i) Privitazation of Steel Mill Case

In Musharraf Era,  
Musharraf give Steel  
Mill ordinance. According  
to this ordinance steel  
mills will be privitize.  
Supreme Court declare  
this ordinance Ultra voided

### (ii) Rental power plant Case → Supreme Court declare Illegal.



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### (iii) Wapda vs SheLa Zia Case:-

Shela zia file writ in court that wapda grid station wires are passing from our house these wires contain Ultra violet rays which are harmful for human.

Artical 9 of constitution of pakistan gave the right of life. Supreme court declares this Wapda station illegal.

Judicial Activism is the Natural Collary of poor governess  
Because:-

#### (i) Check on Executive Powers

Steel Mill Ordinance declares illegal

#### (ii) Fundamental Rights

Judiciary play important role in providing



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Fundamental rights of citizens. If government has failed to uphold these rights.

### Asia Bibi Case 2014

a christian woman who had been wrongly accused of blasphemy highlight Judiciary's role in protecting minority rights

### Some times Judicial Authority Oversteps

Sometimes excessive judicial Authority can lead to judicial overstepping. Sometimes judicial activism biased focus on certain cases while ignoring others. 198,000 cases are pending in Supreme Court.

Excessive judicial intervention can undermine democracy. The Supreme Court decision on Disqualifying



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Nawaz Sharif on Panama Case was seen by some a judicial coup which undermines democracy and create political instability.

## Recommendation

i. **Strength Institution** → including Judiciary legislature, executive

↓  
**Promote Transparency & Accountability** → in government to prevent corruption

↓  
**Judiciary Restraint** → Ensure that it must not overstep his constitutional power

## Conclusion:-

While Judicial Activism in the response of poor governance in Pakistan. The relationship between judicial activism & governance is complex both work that the rule of law upheld that the right of citizen protected.