

## Political Science

## Part - III

## Section - A

Q2

## Introduction:-

The theory of Separation of power is coined by famous philosopher known as Montesquieu. Under this doctrine the Montesquieu argued that that the state organs which are legislature, executive and Judiciary should be separated from each other for better implementation of law and for good governance.

Origin of Separation of Power:

The era of Aristotle also have recognized that the three branches of state should be separated from each other. Each organ have its own limited to enjoy that power but cannot go beyond that limit, then it will be ultra vires.

Theory of Montesquieu:

In every government there are three organs of power i.e. legislature, executive and judiciary. All three powers not to be in one hands nor any two power to be placed in hand of one man than it create misuse of administration of justice and that good

governance just be in theory not in practical.

when legislature and executive be in one hands

If the both institutions to be in one hand then there will be no liberty. For example a king who is law-maker, might and enforce the laws in a tyrannical way.

If Judiciary joined with legislature.

If the judiciary which is the most important organ of any state, joined with law-making, then life of liberty will be in arbitrary manner and no justice will be upheld.

Judiciary joined with executive:

If the Executive joined with the judiciary, it is possible that it create violence and oppression in form of enforcing the law. It will curtail the justice.

End of Everything:

If all these three powers are get in the hands of one, then there will be tyranny and no rule of law, no justice to be upheld.

- American writer Hamilton says, "if all powers gets in the hands of one man then caused tyranny".
- The Black stone says that "if all power get in the hands of one man then public liberty will be no more upheld".

Practical application of this doctrine in the modern world:

In the modern world this doctrine is mostly interpreted in the Presidential form of Government, and not fully implemented in Parliamentary form of government.

Upholded in Presidential form of Government:

In the U.S.A where the government is of Presidential form it is being upheld. President is chief Executive in America he cannot do the legislation work, he is completely independent from legislature. He can appoint his ministers as he likes. The Ministers are not responsible to the legislature, but they are responsible to President so in Presidential form of government the separation of power is upheld. However there cannot be complete separation of power.

No absolute Separation of Power:  
 There cannot be complete separation of power in these organ. like President can influence the legislature by sending message to the Congress and by his power i.e. veto. President can appoint the judges & can grant pardon to special case. Moreover judges can declare unconstitutional laws which are passed by the government.

Not applicable in Parliamentary form of government:  
 The concept of separation of power is not applicable in Parliamentary form of government. However it is partially applicable. like Judiciary can declare the laws which are unconstitutional laws. For example, if a law is passed which is against the Supreme law constitution then it can be declared null and void. The Prime Minister is the chief executive of government (Head of government), is accountable in front of Parliament and as well as its cabinet is accountable in front of its cabinet. Parliament. So in the parliament form of government the government is accountable in front of legislature. Same goes with the Provincial Assemblies. like Chief Minister

and his cabinet is accountable in front of Provincial Assembly.

Separation of Power created doctrine of Check and Balances:

The doctrine of Separation of Power created the concept of checks & balances. In a famous case *Marbury vs Madison* 1803, The Chief Justice of Supreme Court of U.S.A, Held that the legislature means Congress cannot pass acts which are not in the limit of Congress and declared the act of Congress unconstitutional, and also created judicial Review doctrine.

Conclusion:

In the end, the separation of power is still active in state whether it is to be presidential form of Government or Parliamentary form of Government. In both form of Government it is applicable. This contributes to the upholding of Administrative justice, liberty, life, property and rule of law. This draws a line of limitation for each organ of state.

Q4

## Introduction

The Theory of Social Contract as old as the political theory. Ancient philosophers like Plato and Aristotle discussed it but rejected it. The Social contract theory was started in earlier modern era i.e. 16, 17, 18 century, where the three philosopher discussed it i.e. Thomas Hobbes, John Locke and J.J. Rousseau.

### - State of Nature

All the three philosopher described the state of nature which are as follow:

Thomas Hobbes	Johnlock	J.J. Rousseau
Man is selfish, egoistic and self-seeking, brutal & aggressive, the state of war.	Men enjoy freedom, peace, good-will in nature and believe in equality.	He support the Locke & said man lived a free, happy and peaceful life in a state.

### - Need of Social Contract:

All the three philosopher argued that there is a need of a contract to protect their life property in a nature state.

Thomas Hobbes	Johnlock	J.J. Rousseau
Men did not pass any security of life and property. Therefore give up the right to the state sovereign for governing.	give up his natural rights of executing the law of natural rights and concept of Right to liberty came.	Men give the rights to the Community. Men is born free, but is everywhere in chains. and give concepts of private property.

### → Types of Social Contract

There are three types of social contract each philosopher give its own type of government - to - mass contract.

Thomas hobbes	John bck	J.J. Rousseau.
There will be unilateral contract. Men give up right to the authority	There will be two contract. First between the among the citizens second to the government and citizens	The type of contract will be Multilateral contract among the Community.

### Kinds of Government state

The hobbes, John and J.J. emphasis of kind of Government in a state and all three have different kinds of of government presented.

Thomas Hobbes.	John lock	J.J. Rousseau
Absolute- - Sovereignty. to control the state and mass- Men are selfish.	Limited- - Sovereignty to control the state and mass- Men are peaceful.	popular Sovereignty, will of the general people, to control the state and Masses. Men are born free and peaceful and loving.

- Criticism

The all these philosophers gave their own idea of social contract theory but missed many things which can be criticise.

Maintain the - fear; Support authoritarianism, can refuse but not thrown, human nature is unsound mind.	no need for formation of Society by contract; no mentioned legal concept of Sovereignty & Constitution;	not mention the minority, resulting populist mind set, no distinction between state and Society. general will power become absolute power.
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Political Application in Modern States:

we cannot take one philosopher and say that one is right. However the concepts are taken by multiple philosopher for application in the modern state.



like John Locke and J.S., Both give the concept of peace and living. The man born free and enjoy the freedom. Like Johnlock give the concept of Right to life and liberty which is incorporated U.S.A constitution and U.S.A influenced by Johnlock. Same as J.S. given the concept of private property which is incooperable almost in every constitution of the world. As far as the kind of government concern is more inline with general will of population of J.S.

### Conclusion:

All the philosopher of <sup>earlier</sup> modern time, Hobbes, John, and J.S. gave their theory of social contract which mostly influence by many state and they adopted certain things. However, looking at that time it is a good theory but as due to time things get change now it is more a theory and less applicable in states. Non theless philosopher like John lock gave concept of right to life, liberty which is still very important.

## Section - B.

①7

### Introduction:

The federalism, or federal state is one in which supreme powers in the state is distributed by the constitution between a central government and the governments of the federating units, making each government supreme within its own sphere of powers.

Federation is a dual government.

A federal state has a dual system of government, with two sets of governments, each of which exercises supreme and original authority within its limits of the powers as defined by the supreme law Constitution.

### Distribution of Power

In a federal state, the powers are divided in such a way that the government of a federating unit exercises the supreme authority. For example, center have its own power to legislate and province (units) have its own power to legislate. However, both are to be in line with the constitution, if they cross their limits the court will strike down the law.

Federalism creating a balance between Centre and Province:-

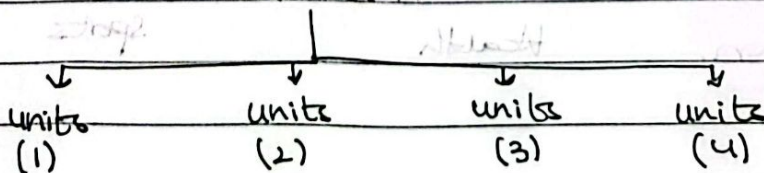
The federal do not interfere in the Province and nor Province interfere to the center for their affairs. The power are divided by the 4th Schedule of constitution. The Subject and matter are divided. For example defence and foreign affairs are the matters of federal government and Province cannot make law or can do nothing because it is not in their limits. However, matters like education and health in that case both have their own limits to take decision make laws regarding their matters.

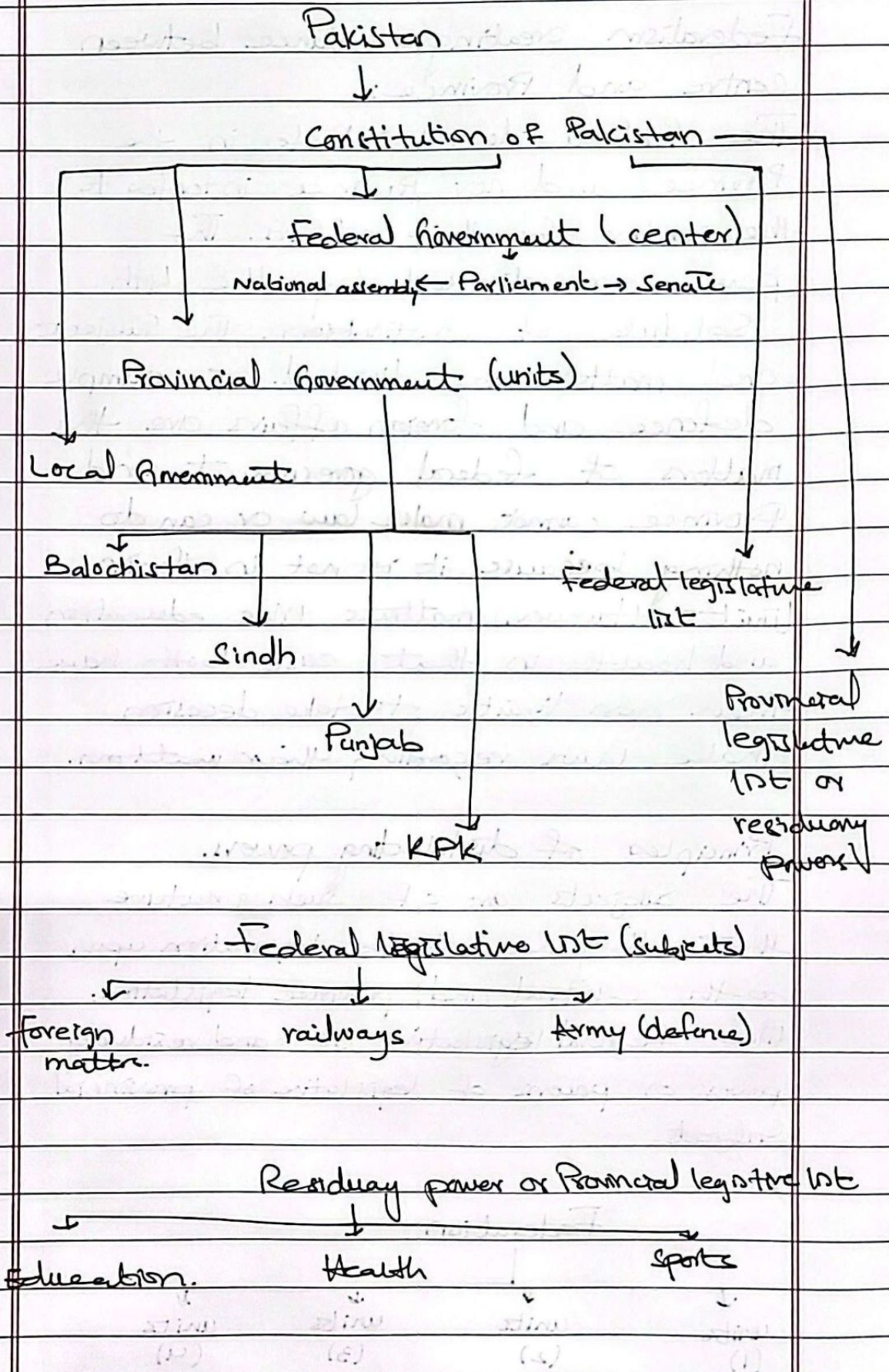
Principles of distributing powers.

The Subjects are of such a nature that they need to be legislation upon both central and province legislatures.

The federal legislative list and residuary power or powers of legislative of provincial Subjects.

Federation





18th Amendment key role is federalism:  
18th Amendment also known as mini-  
-Constitution. which gave all the power  
to a Parliamentary form of Government.  
this 18th Amendment help to balance  
the power between Center and  
provinces. As it demolished the concurrent  
list (a list in which province and  
federal, both can legislate). The 18th  
amendment give all the residuary matters  
to the province and kept the important  
matter to the federal. The 18th  
Amendment give all the four provinces  
Parliamentary autonomy, means they are  
independent from federal or center  
government.

### Conclusion:

The Federalism helped the center and  
Province to be independent with accordance  
to the Supreme law of land. It  
make the less tension between the  
center and Province. As because the  
Provinces have their own legislature  
system own government and center  
have it own.

Q8

### Introduction

The democracy and capitalism are two different concepts. The democracy is a form of government in which everyone can participate. As their is famous saying, democracy is for the people and by the people. In which the people choose their Representative through elections. While capitalism is not as democracy, it means all the elite class can run the government. The capitalism is coined by the Karl Marx who is the chief exponent of the theory of capitalism.

### Democracy vs. Capitalism

Democracy, in which people elect its representative the means of production are not in the hands of elite class or some few elite person or individual.

In which the mass gets the equality and rule of law will be upheld and all people and all classes are equal.

Capitalism, In capitalism the private property owners, the land lord, the industrialist can make the government.

The means of Production are in the hands of few individuals or in the hands of organization from which they make profits. i.e. rich get richer and poor get poorer.

Democracy and capitalism a war of economy. In Democratic country, the state own the market system. The means of production are with the government. The government ensure that all people or citizen get according to their need and ability. While in Capitalist the market trends are not in the hands of government but to the people or organization in which the all profit goes to them. They also exploit the labour and do not distribute the wealth according to their means. For example: one person have the wealth of the half country. on the other hand the half population not even buy food for them.

Education and future are in the hands of Capitalist. As the capitalist have money to get better education and then control all the state organs and means of production. For example, factory owners. While in a democratic set the kids not even go to the school as they are first to fill the basic needs which is food, shelter & cloths. If they get the basic needs then they can think of education.

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Democratic and capitalist Country:  
There are countries like U.S. is a democratic country but it has a free-market economy which is against the principle of capitalism. Same as the China is a democratic socialist country but the China has both market system government control and free-market economy.

Capitalism Supportive of Democracy:  
The capitalism supports the Democracy because of the above reason: like government control economy, no free market. The means of production should be in the hands of government no in the hands of capitalism. The non-employment people get a non-employment stipend. The socio-economic needs to be fulfilled by the government adequate distribution of income. For example, if a person with 10 kids get a 100Rs, then the government need to raise the pay. and a person with no kids get 500Rs, this should be get less and the income tax should be levied more than the person who is earning 100Rs.



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### Conclusion:

In the last, the Capitalism is support of democracy as in the democracy the masses or citizens of the get more right and relief from it. Then it is a good representation the masses elect the person as through the voting system.