

## PART - II

### (SECTION-A)

Q. No. 02

Analyze the strengths and weaknesses of the U.S. federal system of government. How does the system of checks and balances function to prevent the concentration of power?

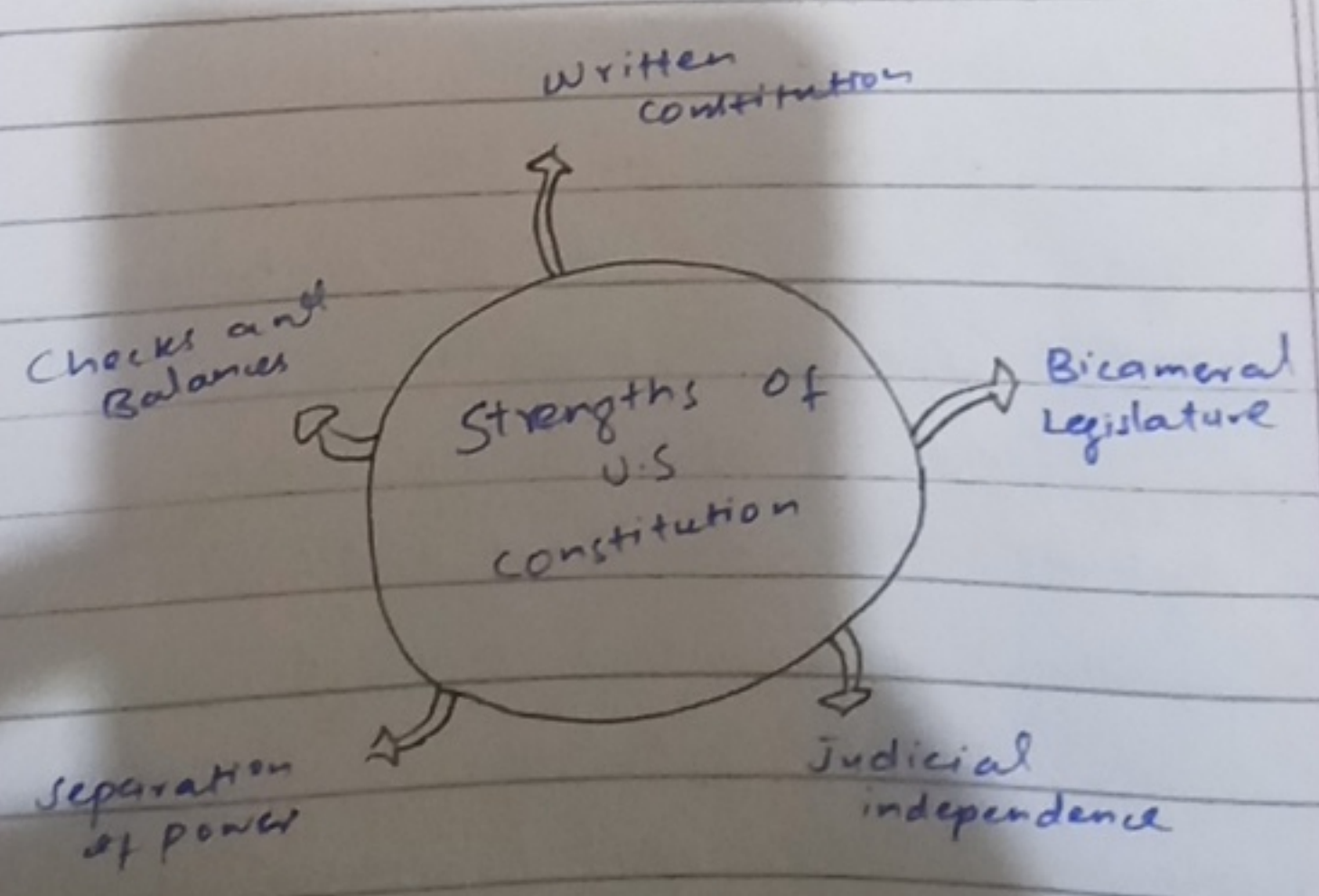
#### INTRODUCTION:

The U.S. federal system of government has both strengths and weaknesses. It has separation of powers as well as checks and balance in its constitution. There is judicial independence and bicameral legislature in U.S. Rigid constitution of U.S. is difficult to amendment and lengthy procedure of electing President is time consuming. But the checks and balances of three pillars of government prevent concentration of power.

## HISTORICAL BACKGROUND OF U.S. CONSTITUTION:

U.S. was the colony of British. In 1776, some British colonies rebelled against it. In 1778 confederation came into being. In 1788 some colonies gathered at the place of Philadelphia and signed an agreement, which is known as Constitution of U.S. In 1789, it was enforced. ~~But there~~

## STRENGTHS OF U.S. CONSTITUTION:



### 1. WRITTEN CONSTITUTION:

The Constitution of U.S. is written and short. It consists of 7 articles and which comprised of 7000 words.

### 2. CHECKS AND BALANCES:

In U.S. Constitution, there is system of checks and balances on all institutions to prevent domination.

### 3. BICAMERAL LEGISLATURE:

U.S. has bicameral legislature. Senate is upper house, consist of 100 members (2 members from each state). House of Representatives is the lower house, consist of 435 members whose are elected on the base of population of states.

### 4. JUDICIAL INDEPENDENCE:

In the Constitution of U.S., judiciary has

granted independence. It has power of judicial review.

### 5. SEPARATION OF POWERS:

In U.S. federal system of government, all the three pillars of government i.e.: Executive, legislature and Judiciary work independently without direct intervention of anyone.

### WEAKNESSES OF U.S. FEDERAL SYSTEM OF GOVERNMENT:

The federal system of government in U.S. has some weaknesses:

#### 1. RIGID CONSTITUTION:

The constitution of U.S. is very rigid. It is very hard to amend the constitution.

#### 2. LENGTHY PROCEDURE OF SELECTION OF PRESIDENT:

The federal system of U.S. has a lengthy

procedure for the selection of President. This process starts from November to January.

## CHECKS AND BALANCES: PREVENTS CONCENTRATION OF POWER:

The system of checks and balances in U.S. is best to prevent concentration of power. legislature, executive and judiciary work independently but there is special checks and balances on them.

### a. Executive:

The appointment of officials, budget formation and treaties of war are done by executive branch. But there is checks and balance of legislature and judiciary on every function of executive.

legislature joins executive for appointment of officials and for finance.

Judiciary has power of judicial review on executive.

## B. LEGISLATURE:

Legislature has power to make laws. Executive has power of checks and balances by reject their laws or send for reconsideration. Judiciary can null and void the law made by legislature if it violates human rights.

## C. JUDICIARY:

The appoint of judges is done by executive and legislature. Judiciary has power of judicial review on every function of executive and judiciary.

## CONCLUSION:

The federal system of U.S. has granted separation of power to all entities of government but there is <sup>also</sup> special checks and balances on all three branches.

## (SECTION - B)

Q.6

Judicial activism is the natural corollary of poor governance in Pakistan.

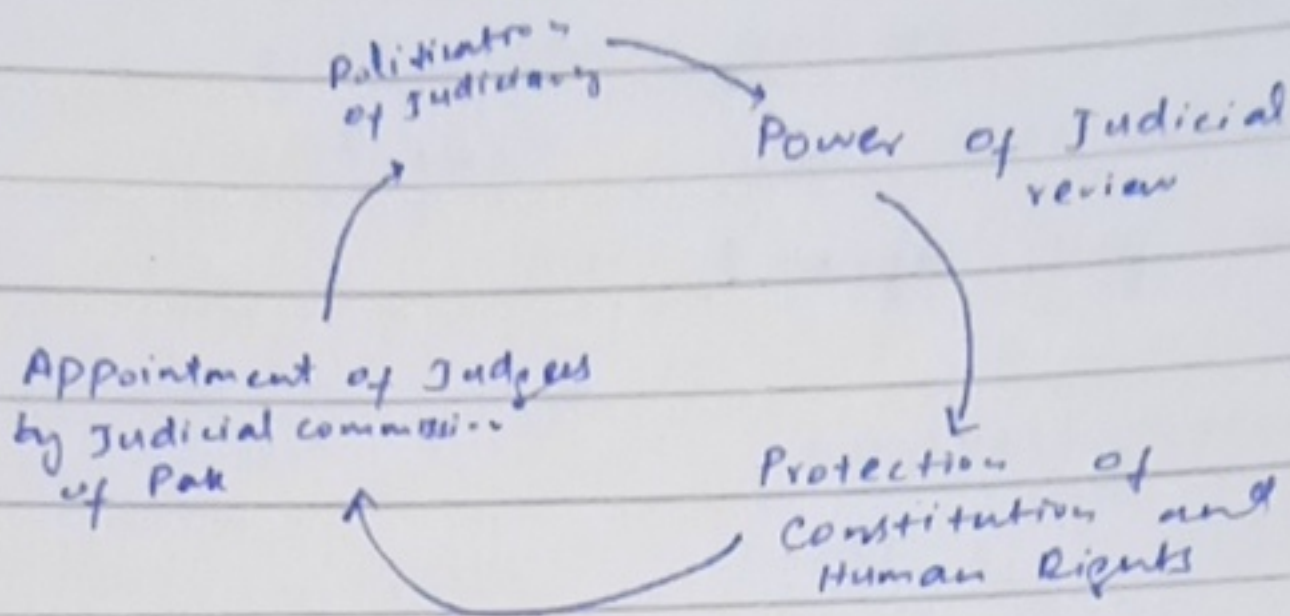
Do you agree?

### INTRODUCTION:

Judicial activism is considered the natural corollary of poor governance in Pakistan. But in my views, judicial activism in all functions of legislature and executive branch is necessary in order to prevent concentration of power and domination of one branch. In latest 20th amendment of Pakistan, appointment power of chief justice is given to Judicial commission of Pakistan, it can produce politicization in judiciary.

court of Pakistan will  
done by Judicial

# IMPACT OF JUDICIAL ACTIVISM ON GOVERNANCE OF PAKISTAN:



## 1. JUDICIARY : POWER OF JUDICIAL REVIEW :

Judiciary has the power of judicial review on every action of legislature and executive.

If judiciary does not intervene in their actions

there there can be

power of concentration in few hands. In order

to prevent concentration of

power, judiciary should be made independent.

Commission of Pakistan



## 2. PROTECTION OF CONSTITUTION AND HUMAN RIGHTS:

Judiciary has responsibility of protecting constitution and human rights. Any bill passed by legislature and executive, goes to judiciary. Judiciary checks that ~~if~~ if it violates sovereignty of constitution or human rights, then judiciary can prove null and void to that bill.

## 3. APPOINTMENT ~~MENT~~ OF JUDGES BY JUDICIAL COMMISSION OF PAKISTAN:

The latest 26th amendment passed in Pakistan stated that the appointment of Chief Justice of Supreme Court of Pakistan will be done by Judicial Commission of Pakistan which comprises of eight members

of parliament and four members of senate. It can hinder the deserving judges to become chief justice.

#### 4. POLITIZATION OF JUDICIARY:

The selection of judges by judicial commission of Pakistan, can create politization in judges. Judiciary Judges will seek resources from politicians in order to be chosen. This will create disturbance in actions of judiciary.

#### CONCLUSION:

Judicial activism is considered to be the natural ally of poor governance in Pakistan. But it is not true. If judiciary will not activate, then there will be concentration of power in few hands.

Q. NO. 8

a. Guardian Council of Iran :

Guardian Council of Iran is the highest decision making in Iran. Guardian Council of Iran consist of 12 members in which eight members are the religious scholars while other four members are jurist experts.

The president of Iran is elected by Guardian Council of Iran.