

PART II SECTION A

QUESTION #1:

The US president is often described as the most powerful elected executive in the world, yet constitutionally constrained.

INTRODUCTION:

The President of the United States is widely regarded as the most powerful elected executive in the world, owing to the extensive powers granted by the Constitution, practical authority and global influence. The office commands not only the military and foreign policy but also significantly shapes domestic governance. However, the constitution deliberately imposes checks and balances, ensuring that the President's power is not absolute. This duality i.e. enormous authority constrained by legal and constitutional limits defines the unique nature of the US presidency.

THE U.S. PRESIDENT: THE MOST

POWERFUL YET CONSTITUTIONALLY CONSTRAINED EXECUTIVE:

A) SOURCES OF PRESIDENTIAL POWER:

1) CONSTITUTIONAL AUTHORITY:

The President is empowered by Article 2 of the US Constitution as Commander-in-Chief, granting control over the military and national security operations. Also, have the authority to appoint judges, ambassadors and cabinet members (subject to senate confirmation) strengthens the office's influence over federal institutions.

2) LEGISLATIVE INFLUENCE,

The president can propose legislation, influence congressional agendas and veto bills. Also have the ability to call special sessions of Congress in emergencies further reinforces legislative influence.

3) EXECUTIVE ORDERS:

President can issue executive orders to direct federal agencies and implement policies swiftly without waiting for congressional approval.

4) PARTY LEADERSHIP:

As the leader of their political party, the president can mobilize support in Congress, influencing policy decisions and advancing party agendas.

5) EMERGENCY AND CRISIS POWERS:

During the national crisis, the president can exercise expanded authority, including mobilizing troops, controlling resources, and managing federal agencies.

6) FOREIGN POLICY LEADERSHIP:

The President negotiates treaties, meets foreign leaders and represent the United States internationally, making the office central to global strategy and diplomacy.

7) COMMANDER-IN-CHIEF AUTHORITY:

Presidents also have the authority to direct military operations and national defense strategy, giving unilateral control over operational decisions in emergencies.

8) ADMINISTRATIVE CONTROL:

President has authority

to manage federal bureaucracy, issue directives and oversee policy implementation, exercises operational control across government departments.

9) INFORMAL POWERS:

President can also influence through media, public opinion and political negotiation allows him to shape domestic and international agendas beyond formal constitutional powers.

10) ECONOMIC INFLUENCE:

The president plays a significant role in shaping economic policy, including tax proposals, federal spending, trade negotiations and regulatory decisions.

11) AGENDA SETTING POWER:

The president can set the national policy agenda, highlighting priorities in speeches, policy statements and media campaigns. This power allows the president to focus public attention and influence both legislative priorities and international negotiations.

B) CONSTITUTIONAL CONSTRAINTS ON PRESIDENTIAL POWER:

1) SEPARATION OF POWERS:

The constitution divides the authority among executive, legislative and judicial branches, preventing unilateral action and ensuring accountability.

2) CONGRESSIONAL OVERSIGHT:

Congress controls budget allocations, approves appointments and can override presidential vetoes, limiting executive freedom.

3) JUDICIAL REVIEW:

The Judicial review can invalidate presidential actions deemed unconstitutional, reinforcing the rule of law.

4) IMPEACHMENT AND REMOVAL:

The President can be impeached by the House and removed by the Senate for "high crimes" serving as a legal check.

5) TERM LIMITS:

The 22nd Amendment to the Constitution of United States restricts presidents to two four-year terms, preventing long term concentration of power.

6) FEDERALISM:

Division of authority between the federal and state governments constrains the president's control over state level matters including education, healthcare and law enforcement.

7) TREATY RATIFICATION:

Presidential treaties require Senate approval, limiting unilateral action in foreign policy.

8) WAR POWER RESOLUTION:

While the President is Commander-in-Chief, Congress can authorize or restrict military action under the War Powers Resolution (1973), limiting extended conflict without approval.

9) CHECKS FROM BUREAUCRACY AND AGENCIES:

Federal agencies may resist, delay or legally challenge executive directives, providing institutional checks on presidential actions.

10) PUBLIC AND POLITICAL ACCOUNTABILITY:

Public opinion, media scrutiny, elections and political opposition constrain policy making and compel responsiveness to citizens and representative.

11) ELECTORAL ACCOUNTABILITY:

The President is ultimately accountable to the electorate through periodic elections which acts as a democratic check on abuse of power.

12) SUPREMACY OF THE CONSTITUTION:

Any action violating constitutional provisions can be nullified, reinforcing the principle that the president is not above the law.

13) CONGRESSIONAL INVESTIGATIVE

POWERS:

Congress possesses the authority to conduct investigation, hold hearings against executive actions.

CONCLUSION:

The US President is rightly regarded as the most powerful elected executive due to extensive constitutional powers, control over foreign policy and the military, leadership of the executive branch and strong agenda setting capacity. However, this power is not absolute. The Constitution places firm constraints through separation of powers, checks and balances, congressional oversight, judicial review, federalism. These limitations ensure that presidential authority operates within the framework of the rule of law. Therefore, the US presidency represents a balanced executive system that is strong enough to govern effectively, yet sufficiently restrained to prevent authoritarianism and protect democratic values.

QUESTION # 7:

Critically examine the recent key amendments (26th, 27th) highlighting their impact on parliamentary powers and democratic consolidation.

INTRODUCTION:

Constitutional amendments are instruments through which political systems redefine institutional authority and democratic norms. In Pakistan's transitional democracy, the 26th and 27th constitutional Amendments represent major constitutional interventions. While officially presented as reforms to strengthen Parliament and improve governance, these amendments have generated serious political science debates regarding their impact on parliamentary sovereignty, separation of powers, judicial independence and democratic consolidation.

CRITICAL EVALUATION OF 26TH AND 27TH CONSTITUTIONAL AMMENDMENT, ITS IMPLICATIONS FOR PARLIAMENTARY POWERS AND DEMOCRATIC CONSOLIDATION:

A) IMPACT ON PARLIAMENTARY POWERS:

1) ENHANCEMENT OF PARLIAMENT'S CONSTITUENT AUTHORITY:

The Amendments (26th and 27th) significantly enhance parliament's role as a constituent body, empowering it to restore constitutional institutions. This reinforces the principle of elected supremacy over unelected bodies. However, constituent power exercised without broad consensus risk undermining constitutional stability rather than strengthening parliamentary democracy.

2) INCREASED PARLIAMENTARY INFLUENCE OVER JUDICIAL APPOINTMENTS,

Through changes in judicial appointment mechanisms, Parliament gains greater influence over the composition of superior courts. While this expands legislative authority, it simultaneously politicizes judicial appointments. In political science terms, such influence may weaken institutional autonomy rather than strengthen democratic oversight.

3) PARLIAMENTARY SUPREMACY OVER INSTITUTIONAL AUTONOMY:

The amendments tilt the constitutional balance towards parliamentary supremacy. In theory, this reflects democratic control; in practice, it undermines institutional pluralism. In weak democracies, parliamentary supremacy often translates into majoritarian domination rather than accountable governance.

4) EXPANSION OF PARLIAMENTARY ROLE IN CONSTITUTIONAL INTERPRETATION:

By restructuring constitutional adjudication, parliament indirectly influences how constitutional meaning is determined. This expands legislative authority beyond law making into constitutional interpretation. Such overlap risks eroding the judiciary's role as the final interpreter of the Constitution.

5) PARLIAMENT AS AN INSTRUMENT OF EXECUTIVE POWER:

Although parliament's authority expands

formally, real power is exercised by the executive through parliamentary majorities. This reduces parliament's autonomy and transforms it into a legitimizing body. Consequently, parliamentary empowerment benefits executive consolidation more than legislative independence.

6) MARGINALIZATION OF OPPOSITION WITHIN PARLIAMENT:

The amendments empower ruling majorities without strengthening opposition rights. Parliamentary decision making becomes less inclusive and deliberative. This weakens parliament's representative character and undermines democratic pluralism within the legislative itself.

7) STRENGTHENING PARLIAMENT ROLE IN CONSTITUTIONAL INTERPRETATION:

The amendments expand parliament's influence over constitutional interpretation by shaping judicial appointments and institutional structures. This increases parliamentary authority but risks politicizing constitutional oversight, blurring the separation between legislative and judicial functions.

B) IMPACT ON DEMOCRATIC CONSOLIDATION:

1) EROSION OF SEPARATION OF POWERS,

Together, the amendments blur institutional boundaries between legislature, executive and judiciary. By weakening the judicial autonomy, they undermine horizontal checks. Democratic consolidation requires balanced institutions, not concentrated authority.

2) DECLINE OF JUDICIAL INDEPENDENCE:

Judicial independence is essential for protecting constitutional rights and limiting state power. The amendments reduce the judiciary's insulation from political influence - this weakens the rule of law and undermines democratic deepening.

3) WEAKENING OF HORIZONTAL ACCOUNTABILITY

Democratic consolidation depends on strong institutional accountability beyond elections. By limiting judicial oversight, the amendments reduce effective checks on parliamentary and executive actions. This creates conditions for arbitrary governance.

4) SHIFT FROM CONSTITUTIONALISM TO MAJORITARIAN DEMOCRACY:

The amendments reflect a shift from constitutional democracy to majoritarianism, where parliamentary numbers override constitutional restraint. Such systems prioritize legality over legitimacy. This undermines the normative foundations of democracy.

5) CENTRALIZATION OF POWER AND INSTITUTIONAL FRAGILITY:

Both amendments contribute to the centralisation of authority at the federal level. Centralized power weakens pluralism and decentralization. Political science literature associates such centralization with democratic fragility.

6) IMPACT ON CIVILIAN DEMOCRATIC SUPREMACY:

The restructuring of constitutional institutions affects civil-military balance. Parliament's role becomes legitimizing rather than supervisory, weak civilian supremacy.

is a major obstacle to democratic consolidation in transitional democracies.

7) DECLINE IN DEMOCRATIC LEGITIMACY AND TRUST:

The restructuring of constitutional institutions affects civil-military balance. Parliamentary role becomes legitimizing rather than supervising. Weak civilian supremacy is a major obstacle to democratic consolidation in transitional democracies.

8) LONG TERM RISK OF DEMOCRATIC BACKSLIDING:

By weakening institutional checks the amendments increase the risk of democratic regression. Political science identifies erosion of institutions as a precursor to hybrid or authoritarian regimes. Thus, long term democratic sustainability is endangered.

CONCLUSION:

The 26th and 27th Constitutional Amendments create a constitutional paradox.

While they expand parliament's formal authority, they simultaneously weaken the core pillars of democratic consolidation - judicial independence, separation of powers, institutional accountability and pluralism. Rather than strengthening representative democracy, these amendments are entrenching centralized, executive dominated governance under parliamentary legitimacy. From a political science perspective, they make a shift from democratic consolidation towards majoritarian constitutionalism, raising serious concerns about Pakistan's democratic future.

