

Date: _____

①

QUESTION NO 02

US PRESIDENT AS MOST POWERFUL BUT CONSTITUTIONALLY RESTRAINED

INTRODUCTION

US president being the executive head of most powerful states enjoy a number of privileges. He is considered as the most powerful man due to head of a super power. He is boss of his Cabinet with veto power, having legislative, executive and judicial powers yet there are many constitutional constraints so that he cannot exercise his powers unrestrained. Legislative and judicial checks over US president restrains its powers.

POWERS ENJOYED BY US PRESIDENT

A - EXECUTIVE HEAD OF THE STATE

US President is the executive head of the state with all the executive powers vested with him. All the appointments and treaties and all the decisions related to

Date: _____

(2)

Foreign policy are exercised by the US president.

b- BOSS OF HIS CABINET

US president is all in all of the cabinet. He can select any member in his cabinet and can fire any member without assigning any reason thereof.

c- APPOINTMENT OF JUDGES

US president enjoys the power to appoint the judges which then can challenge any constitution or law made by congress.

d- VETO POWER OF US PRESIDENT

US president enjoys the veto power and can declare any law passed by congress as null and void without assigning a reason.

e- LEGISLATIVE AUTHORITY OF THE PRESIDENT

President enjoys the legislative authority and can do legislative regarding any matter in form of Presidential order.

Date: _____

③

also known as executive orders.

9- FOREIGN POLICY OF MOST POWERFUL STATE

US president holds the privilege to design the foreign policy of most powerful state or super power. His words are listened and given due regard in international politics.

III- CONSTITUTIONAL RESTRAINTS ON US PRESIDENT

These are many constitutional restraints on powers of US president including

A- EXECUTIVE POWER IS SHARED WITH SENATE

One major constitutional constraint on powers of US is that the president is not free in exercising the executive power. Executive power of president is checked by US Senate. Under executive, powers two major functions, appointment and treaties are both shared by senate. Neither any appointment can be made nor a treaty can be ratified unless it is not approved by the senate.

Date:

(4)

CASE STUDY:

SENATE IMPEDED WOODROW WILSON DECISION TO JOIN LEAGUE OF NATIONS

After world war - I, the efforts of Woodrow Wilson resulted in formation of League of nation. But Woodrow Wilson was not allowed to join the league of nation by US senate. This is a classical manifestation of constitutional restraints of US president in exercising the executive powers.

b- ORDINANCE CAN BE DECLARED NULL AND VOID BY US JUDICIARY

Ordinance, a legislative right of US president can be declared null and void if it violates the constitution or fundamental human rights. Thus the legislative authority of US president is subject to judicial constraints set by US constitution.

c- PRESIDENT CANNOT REMOVE JUDGES

Though judges etc

Date: _____

(5)

appointed by US president along with senate, once a judge is selected, he cannot be removed by US president.

CASE STUDY: ROOSEVELT DECISIONS WERE OVERTURN BY JUDICIAL REVIEW

Many decisions of Roosevelt were overturned by US judiciary just because they did not appeal to the rational of judges, showing constitutional constraint of US president and he was not able to remove them.

d- VETO CANNOT BE APPLIED TO CONSTITUTIONAL LAW

Veto

power of president is not applicable to constitutional amendment but ^{are} only limited to the ordinary law. US president can not stop any constitutional amendment if it is passed by 37/50 states of the US, imposing constitutional restraints on US president.

e- PRESIDENT CAN BE IMPEACHED

Likewise

, the US president can be impeached by the US senate, restricting him to avoid any gross misconduct.

Date: _____

(6)

9- VETO CAN BE OVERTURN
BY 67% MAJORITY

If a bill is passed by simple majority, the president can veto it. Now this bill has to be passed with 67% majority. Once the bill is passed with 67% majority, president is bound to sign it. If a bill is passed by 67% majority at first place, president cannot veto it.

POWERS ~~~~~ CONSTRAINTS

EXECUTIVE POWERS ~~~~~ BUT ~~~~~ SENATE APPROVAL

ORDINANCE ~~~~~ BUT ~~~~~ JUDICIAL REVIEW

VETO POWER ~~~~~ BUT ~~~~~ 67% can overturn veto

JUDGES APPOINTMENT ~~~~~ BUT ~~~~~ CANNOT REMOVE

POWERFUL EXECUTIVE ~~~~~ BUT ~~~~~ CAN BE IMPEACHED

CONCLUSION

Though US president is considered as most powerful man on the earth, there are many constitutional restraints which keep checks and balances over US president and do not let it overexert the powers.

QUESTION NO 06

BRICS AS A CHALLENGE TO UN AND IMF

INTRODUCTION

The first quarter of 21st century witnessed a number of changes that led to decrease in unilateral control of global north and an increase in south-south cooperation. This posed a threat to hegemony of global north and institutions controlled by global north like UN and IMF. Emergence of BRICS is one such initiative of global north which threatens the hegemony of UN and IMF. Conflict resolving

Date: _____

(3)

mechanism of BRICS undermine the role of UN at one hand and the financial efforts, agreement and approaches of member states like currency swap agreement, Swift alternative, dedollarization campaigns and BRICS bank decrease the importance of IMF and world bank at the other hand.

II- BRICS AS A CHALLENGE TO IMF AND UN

a- BRICS PLATFORM, CONFLICT RESOLVING AND DECREASED ROLE OF UN

Platform of BRICS is one such platform that offers an alternate to existing UN conflict resolve mechanism. Presence of powerful and economically stable countries like Russia and China enhance its ability to resolve the conflict in global south.

b- EMERGING ECONOMIES OF WORLD IN BRICS

In BRICS, there are emerging economies of the world including China and India. Collective contribution of

these emerging economies possess a threat to IMF.

C- DE-DOLLARIZATION EFFORTS OF BRICS

Another important effort is to de-dollarize the world trade. For example, Russian and China has started to conduct oil trade in Yuan.

D- CURRENCY SWAP AGREEMENTS OF BRICS MEMBER AND IMF

To decrease the hegemony of global north, currency swap agreement among BRICS state in which they agree to conduct trade in their respective currencies undermine the IMF role.

E- SWIFT ALTERNATIVE AND CHECK^{ON} IMF HEGOMONY

Swift, which controls the transaction of dollars from one bank to another is another issue, confronting global south. ~~to~~

RUSSIA DELINKED FROM SWIFT

During Russia Ukraine crises, Russia was delinked from swift, left the Russian dollar

Date: _____

10

reserves frozen.

Now China has introduced its own swift like system in 46 countries. BRICS platform is now used to enhance this system.

g- COMMON CURRENCY IDEA FROM BRICS PLATFORM

China has tried to introduce the common currency like Euro of European union to enhance trade between BRICS states and increase cooperation between global south.

h- REGIONAL COOPERATION AND THREAT TO UN

Likewise, regional cooperation between global south from the platform of BRICS has challenged the role of UN. Russia Ukraine conflict proved this

CASE STUDY:

RUSSIA - UKRAINE AND ROLE OF BRICS IN SUPPORTING RUSSIA AND UNDERMINED UN ROLE

Sanctions were imposed on Russia during Russia Ukraine

Date: _____

(11)

UKasine was. But China and India signed agreement using BRICS platform. This not only supported the Russia and saved from sanctions but also undermined ^{up} ~~its~~ role to impose and implement sanctions.

i- BRICS BANK- A CHALLENGE TO IMF AND WORLD BANK

Similarly
the BRICS bank also challenges the IMF and world bank by functioning in their place
IMF → Loans for Budget
World Bank → Loans for Development

process
BRICS BANK → Loan for both Budget deficit and development projects.

So BRICS Bank alone performs the functions of IMF and world bank challenging these two institutions

CONCLUSION

BRICS offer a viable assistance to international organizations like world Bank, IMF and United Nations by replacing their key roles. It is a way toward end of global North hegemony and south-south cooperation.

QUESTION NO

RECENT CONSTITUTIONAL AMENDMENTS AND THEIR ROLE IN PARLIAMENTARY AND DEMOCRATIC CONSOLIDATION

INTRODUCTION

Recently, two major constitutional amendments are made in constitution of Pakistan, 26th and 27th constitutional amendments. Both these amendments empower parliament and prevent judicial activism at one end and impedes the judicial check and balance on the separation of power at the other hand.

a) CURTAILING JUDICIAL ACTIVISM BY REMOVING SUO MOTU AND EMPOWERING PARLIAMENT

Firstly, the 26th amendment took the suo motto power from CJP and gave it to constitutional bench in 28th amendment, which was replaced with constitutional courts. Pakistan has witnessed a surge in judicial activism by use of suo motto, which impeded

the ~~first~~ roles of executive and legislative. By removing *suo motu* power parliament is empowered and democratic process is consolidated.

b- PERFORMANCE EVALUATION OF JUDGES AND PARLIAMENTARY SUPREMACY

These amendments empower parliamentarians to carry out evaluation of performance of judge making parliament supreme.

c- JUDGES TRANSFER AND PARLIAMENTARY SUPREMACY

These amendments empower ~~judges~~ parliamentarians to transfer judges without their consent. These transfers were consent based before 29th amendment. So wings of judiciary are cut through these amendments to avoid judicial activism.

d- CONSTITUTIONAL COURTS FOR CONSTITUTIONAL CASES

In 26th amendment, constitutional benches were established for cases related to question over constitutionality. These constitutional benches were replaced by constitutional

Date: _____

(14)

counts in 27th amendment. Thus these amendments aim to consolidate the democratic procedures by removing the constitutional crises at the earliest.

CJP APPOINTMENT AND f- METHOD OF ↑ PARLIAMENTARY SUPREMACY

Method of appointment of CJP is changed in 26th constitutional amendment. Before 26th amendment, senior most judge of SC ~~was~~ was made CJP. But after 26th amendment CJP has to be selected among top 3 senior most judges. This provide a space to parliamentarian to select one judge of their choice here it leads to parliamentary supremacy.

CRITICISM

1- OVER EMPOWERMENT OF PARLIAMENT

Through these amendments, parliament has empowered on cost of judiciary as
→ Judges evaluation is to be made by parliamentarians.

Date:

15
→ In CJP appointment
they to select one judge every
three, empowering them.

→ Judges Transfers can be made
by parliamentarians

**b- TRICHOTOMY OF POWER IS
IMPACTED AND CHECK
AND BALANCE SYSTEM IS
UNDERMINED**

Another negative
impact of these amendments
is that trichotomy of power
is compromised by over-empowerment
of parliament in judicial
affairs. The judicial check and balance
is seriously undermined by providing
excessive control to parliamentarians
over judges and judicial postings,
selection and accountability. This has
led to a serious compromise
of judicial check and balance
system over the legislative
and executive.

PTD

Date: _____

16

QUESTION NO 08

CURRENT ECONOMIC CONDITIONS OF PAKISTAN

INTRODUCTION

Currently Pakistan is facing serious economic challenges. Circular debts, balance of payment crises, import imbalance, inflation, debt crises are among few major economic problems of Pakistan. These problems have serious political implication for Pakistan as these problems lead to compromise on sovereignty, hamper decision making abilities and traps Pakistan in vicious dependency cycle.

a- INFLATION GROWTH

Inflation growth is a major economic issue of Pakistan. Major cause of inflation growth are;

a) IMPORTS

Imports of commodities specially hydrocarbons is one of the major cause of inflation

Date: _____

17

in Pakistan.

ii- CURRENCY DEVALUATION

Currency devaluation
is another major cause of
inflation in Pakistan.

iii- Balance of Payment Crises

Balance
of payment crises is another
cause of inflation in Pakistan.

b- DEBT MANAGEMENT ISSUES OF PAKISTAN

Debt Management
is another major issue of
Pakistan's economy. Major cause of
debt management is

(i) LOAN SPENDING

Loan spending
is another issue when Pakistan
takes loans to pay back loans.

(ii) INTEREST

Interest on loan is
another issue due to which
loan is taken to pay
interest on the already
availed loans.

POLITICAL IMPLICATION

a- COMPROMISE ON SOVEREIGNTY

Due to these economic issues, Pakistan sovereignty is compromised and has to make a tilt toward a state due to economic dependency.

b- DECISION MAKING ISSUES

Due to these economic problems, Decision making is compromised.

c- POLITICAL INSTABILITY

Economic crises leads toward political instability.

d- NO SPENDING ON PUBLIC WELFARE

Due to these economic issues, spending on developmental projects and those related to public welfare cannot be made.

e- VICIOUS CYCLE OF DEPENDENCY

Due to economic issues, Pakistan is trapped in vicious cycle of dependency.