

Q No-2

The US President is often described as the most powerful elected executive in the world. Yet constitutionally constrained.

Introduction

Every four years there springs from the vote created by the whole people a president over that great nation. I think the whole world offers no finer spectacle than this

"John Bright"

While the President of the United States is often hailed as the leader of the world, the office is defined as much by its limitations as by its authority. The US Constitution was intentionally designed to prevent the rise of an absolute

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Madison creating a system of checks and balances that ensures the executive branch remains unaccountable to other branches of government and the public.

1- Constitutional constraints

(The Formal checks)

The primary limits on the presidency are baked into the separation of powers. The president does not operate in a vacuum.

- a- He must be the natural born citizen of United States
- b- He must not be less than 35 years of age.
- c- He must have live in USA for not less than 14 years.

A- Legislative oversight (Congress)

while the president can propose

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Laws, only Congress can pass them. Congress also can hold the "power of the purse", meaning no presidential initiative can be funded without legislative approval. Furthermore, the Senate must confirm high-level appointments and treaties.

The power of veto override:

If a president rejects a bill, Congress can override that veto with a two third majority in both chambers.

Judicial Review:

The Supreme Courts and lower federal courts can declare presidential executive orders or actions unconstitutional, effectively nullifying them.

Impeachment:

The ultimate constitutional constraint is the power of Congress to

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remove a president from office
for high crimes and misdemeanors.

Executive Powers

1- As Chief Administrator

President is the head of the national administration. He is responsible for the enforcement of all federal laws and treaties with foreign states throughout the country. He is responsible for the protection of country, for this purpose he can use force also.

2- As Commander-in-Chief

The president is the Supreme Commander of the armed forces of the United States. He is responsible for the protection of states. With his orders, troops are mobilised, fleets assembled and militia of states is called out.

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3- As Exponent of Foreign Relations
The President represents the USA in foreign relations. He formulates the foreign policy of the United States. He appoints all the diplomatic representatives of the USA to foreign affairs with the consent of Senate. All the majority i.e. $\frac{2}{3}$ majority can ratify the treaties.

4- Appoints by president

The president makes a large number of appointments to the federal services. The power making appointments is the most important and effective power in the hands of the president. There are two types of federal services one is Superior service and other is inferior service. Superior service members are appointed by president with the help of Senate and inferior service members are appointed by the President only. by civil services rule. The officers

belonging to superior service are over 100,000 and their tenure of service is generally four years.

2- Political and bureaucratic constraints

Even within the executive branch, a president faces internal and external political hurdles that can slow or stop their agenda.

The Federal Bureaucracy

The US government is massive. Implementation of policy relies on million of services officers. The bureaucracy is resistant to change - often referred to as "institutional inertia". The president's decisions may be delayed or diluted.

party politics

A president's power is significantly diminished if the opposing party controls one or both houses of Congress. Even with a majority, they

must contend with internal factions within their own party.

Public and External constraints

1- Public opinion

Public approval is the "currency" of the presidency. While a high approval rating allows a president to pressure Congress into passing their agenda, low popularity can lead to legislative paralysis.

A- The Electoral Cycle

B- Public Skepticism of overreach

2- The media as a - Fourth Branch

The media acts as a perpetual watchdog, ensuring transparency and accountability.

Investigative journalism: Scandals exposed by the press (e.g. Watergate) can destroy a presidency.

Agenda setting By choosing which stories to cover, the media influences what the public perceives as the most

urgent issues, often forces the president to react to crisis they did not initiate.

3- interest Groups and Lobbyists

A president must navigate a dense landscape of powerful organized groups that can mobilize millions of voters and dollars.

A- Economic interests

B- Issue-Based Groups

Conclusion

In conclusion, the American Presidency is an office of immense responsibility but calibrated power, while the president holds significant command over the military and foreign policy, their domestic authority is perpetually tethered to the cooperation of Congress and the oversight of the courts. These constraints are not flaws in the system, rather they are the intentional auxiliary precautions described by the Founding fathers to only person can bypass democracy.

Q No-7 Critically examine the recent key amendments (26, 27) highlighting their impacts on Parliamentary Power, and democratic consolidation.

Introduction

In Pakistan's constitutional history, the 26th and 27th Amendments represent a watershed moment that has fundamentally recalibrated the balance of power between the judiciary, the legislature and the military. While the government frames these changes as a restoration of "parliamentary sovereignty" critics and legal experts view them as a calculated dismantling of judicial independence and a shift toward a hybrid-authoritarian model. The amendments represent the most significant restructuring of the 1973 constitution.

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The 26th Amendment October (2024): Subordinating the judiciary

The 26th Amendment primarily targeted the "over activism" of the Supreme Court by altering the appointment and tenure of judges.

Appointment of the Chief Justice

This appointment has ended the "seniority principle". The Chief Justice of Pakistan is now selected by the Parliamentary Committee, from the three most senior judges, giving the ruling coalition direct influence over judicial leadership.

Fixed Tenure:

The CJP's term is now capped at three years, preventing any single

judge from holding long-term influence.

Constitutional Benches

Created dedicated "Constitutional Benches" within the Supreme Court and High Courts. The power to form these benches was shifted from the CJP to a reconstituted judicial commission of Pakistan (JCP), where parliamentarians now hold a significant presence.

Performance and Evaluation:

Empowers the Judicial Commission of Pakistan (JCP) to review the performance of High Court judges, a move critics argue serves as a "sword of Damocles" to ensure judicial compliance with executive interests.

The 27th Amendment (November 2025): Consolidating the "Hybrid Model"

The 27th amendment is passed with extraordinary haste in late 2025, the 27th Amendment went further by institutionalizing military influence and creating a parallel judicial structure.

Federal Constitutional Court (FCC)

Established a new apex court the (FCC) with exclusive jurisdiction over constitutional matters.

In the center there was one federal court called SCP. It was having all jurisdiction whether constitution or civil or criminal but SCP would have two powers civil cases as cases of constitutional cases would be shifted to FCC.

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Chief Defence Forces (CDF)

Post 9th 27th amendment the
of CDF is created, to be
held concurrently by the Chief
of Army Staff (CoAS). This formalized
the Army chief's primacy over
the all branches of force. It
guarantees full control over the
Strategic Plans Division (nuclear assets).

Concept of Lifetime Immunity:

The 27th amendment has granted
the full time / lifetime immunity
to president of Islamic Republic
of Pakistan and the military
leadership (Field Marshals and
Admirals). They have lifelong
immunity from criminal and civil
proceedings, shielding them from
accountability even after they leave
office.

Executive Magistracy:

Restored the system of executive magistrates, allowing the government to exercise judicial powers at the district level. This move seen as a tool for political suppression.

Impact on Parliamentary powers and Democratic Consolidation

The impact of these amendments is dual-natured, depending on whether one views "democracy" as the supremacy of elected representatives or by the presence of institutional checks.

Feature

① Judicial Appointment

Impact on Parliament

Parliament now has a decisive say in who leads the Court.

Impact on Democratic consolidation

This amendment erode the separation of powers, making the judiciary as an extension of ruling party.

② Federal constitutional Courts

Impact on parliament

It increased the power parliament. It allows the government to appoint "favourable" judges to a court that handles political disputes.

Impact on Democracy

It has created a parallel judicial system that bypasses traditional legal precedents.

③ Military Restructuring

Impact on parliament

It has decreased the power of parliament, it formalizes

military dominance over civilian oversight.

Impact on Democracy

Its impact on democracy is negative. It solidifies the "Hybrid model" moving Pakistan further away from pure civilian democratic rule.

Conclusion

The 26th, 27th Amendments have effectively ended the era of judicial "Suo motu" activism but at a steep cost to institutional neutrality. While they have bolstered the short-term powers of the parliament, they have expensively weakened long-term democratic consolidation by removing the judiciary as an independent check on executive and military overreach.