



For CSS 2021 Candidates

Political Science

for Paper - II

Political Systems of

1. United Kingdom
2. United States of America
3. Pakistan
4. India
5. China
6. Turkey

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British Constitution

British constitution was not drafted at particular time, it has a rather an evolutionary growth spreading over many centuries. This evolution has been characterized with consistency and coordination while the relationship between the past and present has never been rent ascended. Two political upheavals of the English history which occurred in 1649 and 1660, no doubt, did upset the peaceful growth of the constitution for the time being. But the political system recovered, within a short spell, in its pristine form. The Glorious Revolution of 1688, which bore deep imprints on the basic injunctions of the British system, did not break consistency in the evolutionary growth of the constitution. Continuity in this evolutionary process, owes a lot to the flexibility of the constitution. The conservative temperament of English people also played an important role in preserving the consistency in the evolution of their constitution.

The British constitution can be classified into two main parts:

1. Constitutional Law

It signifies the body of rules recognized and enforced through the courts.

2. Conventions of the constitution

These, though most imperative to the working of British political system, are not enforced by the courts.

Features of British Constitution

1. Evolutionary Growth:

The British constitution has never been reduced to writing in a documentary form at a particular time; it has rather an evolutionary growth. Conscious efforts as well as needs of times shaped its spontaneous growth. Important acts of the Parliament and judicial decisions fall under the first category, while unwritten sources such as conventions, also played their due role in the

development of the constitutional law.

2. Unwritten:

Unwritten nature of the English constitution does not imply that all of its parts are unwritten. It means that it has not been reduced to writing, as already explained, in a single documentary form. Some of its components are found explicitly in written form such as historic documents, important acts of the Parliament and Common Law.

3. Flexibility:

Flexibility of a constitution implies the absence of specific procedure required for the amendment of the constitution. British constitution is flexible in the sense that the Parliament can amend the constitution like alterations in statutory laws, just by a simple majority.

A noteworthy feature of this constitution is that it is not as flexible as it appears outwardly, for English people due to their conservative temperament, resist abrupt and drastic changes in their constitutional system.

4. Limited Separation of Powers:

Limited separation of powers operates in the working of the governmental system. The reputed French political thinker, Montesquieu, portrayed the theory of "Separation of Powers" on the basis of the observation of the working of the British system. He contemplates that the Crown in Britain, is the repository of executive authority; Parliament performs legislative functions, while the courts exercise judicial authority.

5. Unitary System:

Central government is the exclusive source of all governmental authority in Britain. It demarcates the powers and functions of local institutions and makes rules regarding their organization.

6. Bicameral Legislature:

The Parliament consists of two chambers: House of Lords and House of Commons. The lower

house, House of Commons, is a popular chamber whose members are directly elected by the electorate while the upper chamber, House of Lords, is basically a hereditary chamber and its members are nominated by the Queen. House of Commons being a popular chamber, is comparatively more powerful while in the past it performed a subordinate role.

7. Supremacy of the Parliament:

The doctrine of "Separation of Powers" bears two things. Firstly, Parliament enjoys unlimited powers of legislation and is fully authorized to alter or repeal any law or convention by a simple procedure. It can abolish any political institution or practice that has been in existence for the last many centuries. British Parliament, to put it in the phrase of De Loeme, a French writer, can do every thing except to make a man into a woman or vice versa. Secondly, no law enacted by the Parliament can be challenged in the court on the plea that it is against the constitution whereas in most of the modern states, the superior courts exercise the power of judicial review over the laws passed by the legislatures.

8. Constitutional Monarchy:

From constitutional point of view, the Crown is the repository of the entire governmental authority in Britain. The powers of the Crown are not, however, exercised by the Queen in person, but these are wielded by different branches of the government, of course, on behalf of the Queen. As Ogg was of the view that theoretically British government is absolute monarchy, its governmental form signifies constitutional monarchy, its governmental form signifies constitutional monarchy while in practice, and the governmental structure is closer to Republican form.

9. Parliamentary System:

British political system is pioneer in introducing and developing parliamentary democracy. Cabinet, which is the real executive, is in fact, an integral part of the Parliament. All the members of the Cabinet are the members of either of the chambers of the Parliament. The Cabinet works as a team under the leadership of the Prime minister while all ministers are collectively accountable to the Parliament. The Cabinet's role is not limited merely to the exercise of administrative authority; it appears all the government bills to be initiated in the

House of Commons. The Cabinet in modern times has assumed almost dictatorial powers because the administrative policies of the Cabinet have the sanction of favorable legislation.

10. Two Party System:

Two party system flourished in Britain right from the beginning of the Parliamentary period. Before the emergence of the present Labour Party in the second decade of the present century, the fight was between the Conservatives and the Liberal Party. Prior to that the two rival factions were Tories and Whigs. Hence two major political parties, whatsoever their names, remained active in the political arena. In the present century, Labour Party has taken the place of Liberal Party while the latter has lost its political significance.

11. Rule of Law:

Rule of Law implies three aspects:

- a) No person can be detained unlawfully without his guilt being proved in a court of law.
- b) All citizens stand equal in the eyes of law and none is above law.
- c) Fundamental rights of the citizens are, in the larger part, creator of certain rules of constitutional law.

12. Fundamental Rights:

Fundamental rights of the citizens, unlike the practice of other countries, have not been incorporated in the form of a list in the English Constitution. Constitutional law is not the creator but a product of fundamental rights, which have been recognized, from time to time, by the courts. Hence most of the fundamental rights are based on judicial decisions.

13. Respect to Democratic Values:

The success of democracy in Britain owes a lot to the democratic behavior of the citizens. The Public is generally tolerant to divergent views and the majority of the groups respect the verdict of the majority. Majority Party, on the other hand, pays due regard to the view point of the

opposition. An atmosphere of mutual understanding, tolerance and cooperation exists within the Parliament.

The Cabinet

The Cabinet in Britain is the real executive authority which enjoys decision-making powers not only in administrative matters but over legislation as well. Theoretically, it is merely a committee of the Parliament, in practice, it wields almost dictatorial powers. English governmental system is characterized by political homogeneity due to its Parliamentary set up and the absence of “Separation of Powers.” According to Sir John Marriot, “it is a pivot around which the whole machinery of the state revolves.” While Lowell said, “the Cabinet is the Keystone of the political arch.”

The Cabinet consists of those ministers who are incharge of different portfolios and belong to the majority party in the Parliament. The ministers remain in power so long as they command the confidence of the Parliament, otherwise they have to resign.

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Features of Cabinet System

1. Membership of the Parliament:

All the members of the Cabinet are supposed to be the members of either House of the Parliament.

2. Political Homogeneity:

As the Cabinet has to work as a team, normally like-minded persons are included in it so as to preserve political homogeneity. Even if differences arise, these are resolved within the meetings and are not let known to the public.

3. Coordination between Government Branches:

Close cooperation between cabinet and parliamentary majority is inevitable. Hence the Cabinet controls not only administrative policy-making but also has firm grip over legislation.

4. Queen's exclusion from Cabinet Meetings:

According to long-standing convention established in 1714, the Monarch does not participate in Cabinet meetings and these are presided over by the Prime Minister. The latter informs the Monarch about all important decisions.

5. Responsibility of the Cabinet:

a) All ministers are legally accountable to the Queen and as such they remain in power at the pleasure of the Ruler.

b) All ministers work in close collaboration and work as a team. Every minister has the right to advise his Cabinet colleagues even on matters relating to the departments other than those of his own.

c) Politically, Cabinet is accountable to the Parliament which means that ministers remain in power so long as they command the confidence of the majority in the House of Commons.

6. Collective Responsibility:

The Cabinet is collectively accountable to the Parliament. It means that every minister is responsible for all the decisions taken in Cabinet meetings and every minister shares this responsibility.

7. Secrecy in Meetings:

All the proceedings of the Cabinet meetings are kept secret and the differences within the Cabinet are not let known to the people. The differences, if leaked out, can possibly be exploited by the opposition.

8. Ascendancy of Prime Minister:

All the members of the Cabinet stand on equal footing; the Prime Minister, however, performs pivotal role in the functioning of the Ministry. He coordinates the work of different departments.

Dictatorship of the Cabinet

It is a general impression that the Cabinet has assumed almost dictatorial powers in British political system on account of its firm grip over executive and legislative decision-making. Instead of accountability to the Parliament, it actually guides and controls the parent body.

1. Party Discipline:

Under a parliamentary setup, the life of a Cabinet depends on the discretion of the Parliament. Ministers remain present on the floors of chambers of the Parliament to defend their policies. The legislators control the executive through different techniques such as asking questions, moving adjournment motions and resolutions and through criticizing the policies. But the members of the majority party always support the Cabinet due to strict party discipline.

2. Rules of Procedure:

The rules of procedure within the House enable the Cabinet to consume most of its time and control the agenda even at the cost of private member's initiatives. Most of the bills which are transformed into laws come from government side.

3. Fiscal Control:

Control over finance is the most effective weapon by virtue of which Cabinet can implement its policies effectively.

4. Delegated Legislation:

Legislative role of the Cabinet is not confined within the Parliament only; it rather makes rules

and regulations necessary for the enforcement of statutes. Hence through its power of Delegated Legislation, the Cabinet can interpret statutes according to its own liking.

5. Increased State Activity:

Modern welfare state has increased sphere of its activities, which has indirectly resulted in enhancing the role of the Cabinet. Administrative heads of departments have been given certain quasi-judicial powers in Britain.

Control of the Parliament over the executive branch has actually become ineffective since the former can advise the Queen to dissolve the Parliament and hold fresh elections. According to Bagehot, "The Cabinet is such a creature which can destroy its creator."

Prime Minister of UK

The Prime Minister holds pivotal position rights from its formation till its ultimate fall in a Cabinet form of government. Theoretically all Ministers stand equal but in practice, the Prime Minister is most effective and powerful as he can ask any Minister to resign. According to Sir William Harkot, Prime Minister is foundation stone of the Cabinet arch.

Origin: The office of the Prime Minister, like other English Institutions has an evolutionary growth. Its origin can be traced back to the period of George I when the ruler abstained from attending the meetings of the cabinet. Walpole has been regarded as the first Prime Minister. This term appeared for the first time in public records in 1878. It was legally recognized in 1937 Act, under which the salary of the Prime Minister was fixed.

Position in the Government:

1. As Cabinet Chief:

As head of the Cabinet, the Prime Minister supervises and coordinates the work of different Ministers. He performs a pivotal role in the formation and working of the Cabinet. His opinion carries weight in the Cabinet meetings and as such he can resolve the differences among the

ministers. Sometimes, he may take decisions in an independent manner or in consultation with quite few ministers, as done by Mr. Eden in 1954. In collaboration with French Government, he decided to attack Egypt.

2. As Leader of the House:

Being the leader of the majority party in the House of Commons, the Prime Minister assumes the role of leader of the House. As such he issues policy statements and during the sessions of the Parliament he remains in close touch with the leader of opposition. It is on the advice of the Prime Minister that the Queen decides to summon, prorogue or dissolve the Parliament. As leader of the House, the Prime Minister enjoys certain privileges on the floor of the House. He is given more time to speak during the deliberations.

3. As a National Leader:

Leadership role of the Prime Minister is not confined merely within the Parliament he is rather taken as a national leader due to his most prestigious position. His opinion on important national issues is paid due heed. His statements and speeches are regarded as the most effective channel for molding public opinion.

4. Link between the Queen and Cabinet:

British Prime Minister acts as a link between the Cabinet and the Queen. He keeps her informed about all important decisions of the Cabinet. The Queen makes important policy statements on the advice of the Prime Minister. The speech from the throne to be delivered in the beginning of new session of the Parliament is also prepared by the Prime Minister.

5. Conduct of Foreign Affairs:

The opinion of the Prime Minister carries special weight in foreign affairs. Secretary of Foreign Affairs, in particular, remains in constant touch with the Prime Minister. The Prime Minister represents the country in important international conferences.

With the extension in the functions of the Cabinet, the role of Prime Minister has become more domineering. A competent Prime Minister is expected to be a good administrator and a symbol

of leadership qualities. Mostly, before the assumption of his office, most of the Prime Ministers had put in many years in parliamentary life. According to a political analysis, America has produced very few Presidents of higher caliber as compared to British Prime Ministers.

Political Parties

Emergence of political parties is inevitable in modern democracies. A truly representative system can not be conceived in the absence of political groupings. In Britain, political parties, like other democratic institutions, have an evolutionary growth and Cabinet form of government is really a fruit of this development. Emergence of political parties in England can be traced back to 17th century when the tussle started between the Cavaliers and Round heads. Cavaliers favored absolute rule of the Monarch while the Round heads supported constitutional government. During the period of Charles II, political parties emerged under the new names of Tory and Whigs.

Under the rule of George III, Whig party came to be known as Liberals and the Tories as Conservatives. Former believed in the introduction of liberal reforms while the latter supported a status quo in the policy process. Emergence of Labour party in the early 20th century is an important event in the history of British politics. By the beginning of World War I, this party was firmly established and it got official recognition as opposition. It was in 1924 after the fall of Baldwin Ministry, that the Labour Party came into power. With the emergence of strong Labour Party, the Liberal Party receded into the background and lost its political importance.

Features of Party Politics:

1. Two Party System:

Two party system has a parallel growth along with the evolution of modern political institutions in Britain. Other small parties at no stage gained much political significance. At present, Labour and Conservative parties have dominated the political scene.

2. Centralism in Party Organization:

Before the emergence of Labour Party, the organization of political parties was not well-knit and sound. The central party leadership has firm control over all party units at lower levels.

3. Ideological Basis:

Before the emergence of Labour Party, British political parties were neither organized on ideological basis, nor did they develop sharp differences in respect of their programs. Labour Party believes in introducing socialistic model of economy within, of course, a democratic framework, while, the Conservative want to preserve the old order with certain progressive reforms.

4. Continuous Struggle:

Organization of British political parties has been characterized by firm commitment to the set democratic values and norms. Each party has its own program, Manifesto, rules and regulations and organization that bears a close resemblance to governmental structure.

5. Party Discipline:

British parties have a glorious tradition of maintaining party discipline. Very few members change their political affiliations, an over whelming majority adheres to party decision and its programs.

6. Cooperation and Accommodation:

The presence of fraternal feelings and sense of cooperation among the members of political parties is not merely due to strict party discipline, it is rather deeply planted in their political culture.

Conservative Party

Conservative Party aims at the preservation of old British traditions and its legacy. Its main program revolves around the promotion of national integration, safeguarding of the interest of Crown and that of the church and the preservation of free economy pattern. It does not imply that the party is against progressive reforms. Its economic program fully manifest's welfare policy. The Conservative leadership in the 19th century was mostly concentrated in land-owners. It has now broadened, but it remains upper class. It includes both born aristocrats and self-made people but is still characterized by social exclusiveness, a little snobbery, academic education and wealth. Conservative M.Ps in contrast to Labour Party is mostly barristers, land owners, business people, journalists and retired military officers.

Central Council and Administrative Committee:

The central council is the most important administrative organ of the party. It convenes its sessions twice a year in which the reports submitted by Administrative Committee are considered. In addition, it examines the proposals of local cells of the party.

Central Office and the Party Fund:

The party maintains its permanent headquarters with a huge staff at its disposal. Chairmen of the offices and treasurer are appointed by party leaders. A nominal annual subscription is taken from the members, as contribution to party funds.

Labour Party

The organization of Labour Party is very vast and its structure somewhat intricate, as different autonomous organizations are affiliated with it. All these organizations are given representation in the central set-up. These affiliated organizations can be classified as:

- a) Socialist Societies
- b) Cooperative Societies
- c) Trade Unions

Labour Party aims at the betterment of the working classes in particular and believes in evolutionary Socialism. Its program ensures the provision of equal opportunities to all alike for the material and moral development of the society as a whole. Main source of strength of Labour Party are the working classes and other low-income groups. Party programs also attract the middle class.

National Administrative Committee:

Administrative Committee holds its meeting monthly that continues for 2-3 days, in which important policy decisions are taken. IN addition, it controls and supervises the central party offices.

National Council:

It performs the useful function of coordinating the activities of cells and organs of the party offices. The trade unions also control the National Executive Council, which administers the party apparatus.

Manifesto:

Labour Party wants to put big industries under state control. The main features of its program are: general welfare, promotion of education, provision of health facilities, proper wages to the working classes, unemployment insurance etc. It aims at increasing the industrial and agricultural output and providing job opportunities. The party nationalized the big industrial concerns during 1945-51 and introduced agricultural reforms as well.

Liberal Party

With the emergence of Labour Party, Liberal Party lost its significance. Its program stands in-between the program of both the big parties. It believes in free economy but wants to introduce economic reforms for general welfare and economic solidarity of the society. Liberals detest the policy of nationalization of industries; rather support private ownership and encouragement of public investments. In the agricultural sector, it intends to increase the agricultural output through small land holdings.

People belonging to divergent professions and trades are among the ranks of its membership. Main source of party funds is the subscription of its members and the donations by the wealthy people. There was a time when major contribution to party funds came through “Sale of Honor” etc distribution of political offices on the basis of contribution to party funds.

Liberal Party, despite its dislikeness for Socialism, believes in progressive economic reforms. In order to increase industrial output, it favors nationalization of certain big industries. The ultimate objective of the party is to create a welfare structure ensuring full employment, elimination of poverty and illiteracy and respect to ownership rights and safeguarding of liberty.

The Parliament

British parliament has been regarded as the earliest of the modern Parliaments and as such called Mother Parliament. King in Parliament regarded as the legal sovereign in British Constitutional System; and the constitutional validity of the laws enacted by the Parliament can not be challenged in any court of law.

The parliament consists of two chambers: House of Lords is the upper chamber which is basically hereditary one, whereas House of Commons, lower chamber, is a popular one. As a matter of fact, the powers of Parliament, in modern democratic age, are exercised by the House of Commons.

House of Commons

House of Commons consists of 646 members who are directly elected on the basis of adult suffrage, from single member constituencies. Every member represents approximately 57, 000 voters. Before 1922, the total strength of this House was 707, but after the separation of Ireland as an independent polity, it was decreased. Total seats of the House are divided on the basis of regional divisions and electoral districts formed.

Qualification of Voters:

All citizens of eighteen years and above are given the right to vote without any discrimination on the basis of cast, color, creed, religion, class or sex. Three months residential requirement in an electoral district is, however, prescribed for registration as voter in the electoral roll. Members of the House of Lords, aliens, lunatics, idiots and criminals who have sentenced for imprisonment for more than twelve months are exempted.

Qualification of Candidates:

The persons who are declared unfit for candidature are: Aliens, Persons under 21 years of age, Bankrupts, Peers, Habitual criminals, mentally unsound persons, Priests of established churches of England, Judges of Supreme Court and all servants of crown excluding political office holders. All citizens who fulfill requisite qualifications are eligible to contest the election for

membership of the parliament.

Loss of Membership:

A Member of Parliament can resign from its membership. In the past, this right was not secured as the members did not find incentive to attend the sessions of the Parliament and some would prefer to resign. At present, membership of the Parliament is a matter of great honor and prestige and it carries many privileges in addition to allowances.

Duration:

House of Commons is constituted for a period of five years. It can be dissolved earlier by the Queen on the advice of the Prime Minister.

Summoning and Prorogation of the Sessions:

The sessions of the Parliament are normally summoned more than once during a year but holding of at least one session a year, is a constitutional requirement based on a convention. The presence of at least 40 members constitutes the quorum in order to carry on the business of the House. If it is short of quorum and any member draws the attention of the Speaker to this effect, it is postponed till the completion of the quorum.

The Speaker

The office of the Speaker of the House of Commons is regarded as one of the most prestigious after that of the Prime Minister. It is difficult to trace the origin of this office, as it existed even at a time when this House was not really a legislative chamber. Sir Thomas Hungerford, who was

appointed in 1377, seems to be the first Speaker.

Before the dawn of democratic era, the Speaker used to be nominated by the ruler while the House had no choice in this respect. Now the House is fully authorized to elect its own presiding officer while the Queen formally gives her consent. In order to preserve a long standing tradition of neutrality of the speaker; political parties do not contest the election of the Speaker; and usually the previous Speaker is re-elected. Accordingly, a Speaker is re-elected for as many terms as he cares to serve. He must be the member of Parliament.

The office of British Speaker holds an excellent record of impartiality and fairplay in politics. After election to this office, the Speaker remains aloof from practical politics and resigns from his party membership. He abstains from attending party meetings and tries to avoid mixing up with the politicians. In order to preserve the decorum of this office, he avoids attending even social gatherings.

Functions of House of Commons

The House of Commons enjoys superior powers of legislation and Supremacy of Parliament, practically implies the supremacy of the House. House of Commons performs the following functions:

1. Legislation:

The primary function of the House is to enact laws and make alterations in the existing ones so as to bring these in line with changing conditions. It enjoys unlimited powers of legislation since the bills passed by this House are neither rejected by the House of Lords nor vetoed by the Queen, nor declared void by the courts.

2. Control over the Executive:

Cabinet is merely a committee of the House and most of the Ministers are members of the House of Commons. They remain in power so long as they continue to command the confidence of the majority in the House, otherwise they have to resign.

3. Control over Finance:

The House enjoyed somewhat superior position even in the past, over the House of Lords, as far as financial legislation is concerned. According to a long standing tradition since 1407, all money bills would originate in the House of Commons. Under 1911 Act of the Parliament, the latter got complete hold over fiscal matters. The Cabinet submits the budget in this House for approval while the members participate in discussion and generally criticize the appropriation bill and taxation policy. Without the authorization of the Parliament nothing can be spent from the national exchequer nor any tax raised. In order to make the control of the House effective over financial matters, different committees of the House examine the fiscal proposals.

4. Selective Functions:

Debates in the House of Commons are an effective channel of imparting political training to its members. Membership of this House for a longer period makes them seasoned and experienced in law and politics.

5. Public Education:

Free and frequent deliberations on the floor of this chamber, help in educating general public and the proceedings are reported in the newspapers. The Press gives full coverage which generates public interest in political affairs.

Role of Opposition

Opposition performs a vital role in the success of democracy. Fair and free discussion within disciplinary norms, is indispensable for the working of democratic institutions. The Opposition performs its due role by criticizing the policies of the Government and presenting alternate solution to different problems. According to Jennings, opposition is indispensable part of the Parliament. It is held in esteem and officially named as “Her Majesty’s Opposition”. The main functions of Opposition are:

1. Substitute Leadership:

Primary function of the Opposition is to provide substitute leadership in case of failure of Government. Queen invites the opposition leader and asks him to form the government. Shadow Cabinet, as explained elsewhere, already exists in the opposition circles, and it steps into the power under such conditions.

2. Check on the Government:

Another major role of the opposition is to criticize and scrutinize the policies of the government and bring in lime-light shortcomings in the administration. It also performs a positive function of bridging the gulf between the public and the government through political communication.

3. Positive Role:

The Opposition’s role is not confined merely to the performance of negative functions; it has to cooperate with the government in many ways. The politicians on both sides, have full perception of national interest, they move with caution and moderation and explore the areas of mutual cooperation.

Role of Opposition in preserving the democratic spirit of a political system is imperative and its presence regarded indispensable. In United Kingdom, opposition is given proper representation in all House Committees according to its numerical strength. Leader of the Opposition provides list of his members for these committees while as important member of the opposition is the chairman of the Committee on Public Accounts.

An established party system and adherence to party discipline, have also contributed in stabilizing the political system. Party members have rarely revolted against the leadership or changed their political affiliations, as it happens frequently in developing societies.

The House of Lords

The House of Lords which is the upper chamber of the Parliament, is a permanent chamber and organized basically on hereditary principles. Split of Parliament into two Houses took place during the period of Edward III when he convened the meeting of Model Parliament. During the session of this Parliament, the clergy and Barons organized themselves to sit in a second chamber different from the Commons.

House of Lords remained more powerful till, eighteenth century as the aristocratic classes had firm grip over both the chambers. But a change occurred during 19th century along with the introduction of electoral reforms and extension in suffrage. As a result, House of Lords lost its significance and receded into the background. At present, the Commons exercise, the supreme legislative authority while the Upper House has been reduced to the position of a ratifying chamber.

Composition:

Total strength of the House of Lords keeps on varying due to the death of old members and the appointment of new ones. Basically it is a hereditary chamber since nine tenth of its members are peers viz., who became members by virtue of hereditary rights. Some persons are appointed for life time but their heirs have no right to succeed as peers.

1. Members of Royal Family:

Members of Royal family, who have attained specific age, are made the members of this House.

All persons having blood relations with the ruling family are not given membership. The

members of this category rarely attend its sessions and do not actively participate in the deliberative process even if they happen to attend.

2. Hereditary Peers:

Hereditary members of the House of Lords are known as peers. It included three categories:

- a) 75 members are elected by hereditary peers from among themselves
- b) 15 office bearer peers are elected by the whole House of Lords
- c) Two peers are Royal office Holders

3. Life Members:

Under the Life Peerage Act of 1958, any citizen can be appointed as member of House of Lords for his life-time who rendered distinct services to the national cause.

4. Scottish Members:

The Scottish Peers used to return from among themselves sixteen persons to represent them in the House for a term equal to the term of House of Commons i.e for five years till 1943. But under Peerage Act of 1943, all Scottish Peers were made permanent members.

5. Law Lords:

House of Lords is the highest court of appeal for all cases in England, as it has also performed judicial functions. For the promotion of professional competence, few law experts are also added to its membership for life time.

6. Spiritual Lord:

All the oft-quoted categories are known as temporal Lords while Lords spiritual are appointed on the basis of religion. All Bishops of churches of England and Arch Bishop are members of this

House, numbering about 26.

Grant of Membership:

Generally, the former Speakers and the Prime Ministers who have served the nation for a longer period are made Peers for their memorable services. Men of merit and distinction in various fields of national life, are also appointed. The Queen is fully authorized to appoint as many persons as she deems proper but in practice, she has to move with caution so as to preserve the prestigious position of this illustrious Chamber.

Resignation:

Before the enactment of a law in 1963, hereditary peers were entitled to resign from the membership of the House of Lords. But under this act they have been given the right to resign within a period of twelve months after their appointment.

Quorum:

Legally the presence of only three members constitutes the Quorum of the meetings. Normally, attendance is above three hundred. Many peers care a little to attend the sessions for years together. On ceremonial occasions, however, there may be heavy attendance. Very few Lords actively participate in its deliberations.

Lord Chancellor:

Lord Chancellor presides over the meetings of the House of Lords. He is an important member of the Cabinet and head of the judicial establishment. Lord Chancellor supervises the working of the courts and appoints judges of the High court. He presides over the special sessions of the House when it sits as a court. He is also a member of the judicial committee of the Privy Council. Being as important member of the Cabinet, he performs vital role in the passage of all government bills in the House of Lords.

Powers and Functions

1. Legislation:

Before the enactment of the Parliament Act 1911, both the chambers of the Parliament shared equal powers and the upper chamber could reject even money bills passed by the House of Commons. The Liberal government after winning two consecutive elections got the new law enacted after much struggle. The new law curtailed the powers of Lords.

2. Financial Legislation:

Before the Act of 1911, the upper chamber exercised equal powers with the Commons in respect of financial legislation, with the sole exception that all money bills originated in the latter House. But the role of House of Lords was minimized under 1911 Act of Parliament.

3. Judicial Powers:

House of Lords is the last court of appeal. Nevertheless, judicial powers of the House of Lords are, in fact, exercised by the Law Lords. When the court conducts its session as a court, only the Law Lords participate while the other members abstain from attending such session.

Reasons of Survival:

Two basic principles are generally set forth to judge the utility of a bicameral legislature. First, the upper chamber should be constituted on different lines from the lower ones so as to avoid duplication. Second, the upper chamber should revise the bills coming from the popularly constituted chamber, it should not, however, be powerful enough to act as a rival to the former.

This chamber has been organized on distinct principles from the one characterizing the lower House. Such persons of outstanding ability and expertise, not active in politics, can be made peers. Hence the nation can utilize the services of such talented people. It is an undeniable fact that the members of this House are generally more seasoned parliamentarians and as such the standard of debates on the floor of this House, is much higher than that of its counterpart.

Criticism:

The very presence of a hereditary chamber in a democratic age seems awkward and undemocratic. Personal traits of character are not based on hereditary principles. An efficient and hardworking person may be succeeded by a son of worthless character. Most of the Peers show indifferent attitude towards their duties and responsibilities as Parliamentarians, and rarely attend its sessions. The tone of this House is generally conservative and as such it stands as a bulwark in the way of progressive legislation.

It has also been observed that this chamber shows a leaning towards the Conservative Party. When Conservative Party is in power this House is generally supportive and cooperative while it develops a hostile attitude against the government of Labour Party. In the presence of parliamentary system, the utility of the House of Lords becomes doubtful as the Cabinet is accountable to the House of Commons and not to the House of Lords.

The main reason of its survival can be ascribed to the conservative temperament of the English people. They would not like to depart with an institution which has been with them for the last many centuries. This House has no doubt, served the nation in the past and is expected to continue to perform its role in the future. People do not want to abolish it but would support any move aiming at its reforms especially in its organization.

The Committee System

Committees perform very useful functions in the working of a modern legislature; they save its time and lighten its burden of work. The committees thoroughly probe into the matters over

which legislation is pending and submit the reports carrying proposals. Committees include such members who are interested in certain matters. Procedure of the committees is less formal and the member can fully express their view point on the subject under consideration.

The Committee System emerged in 1881 under the reign of Elizabeth I; bills were referred to the select committees after second reading. These grew in importance after 1919 in the process of law-making. At present five different categories of committees perform their functions in the Parliament. These are as follows:

1. Sessional Committees:

These are constituted for the whole session, each devoted to specific functions. For instance, “Committee on Selection” selects members for standing committees. “Committee on Public Accounts” is also a Sessional committee.

2. Committee of the whole House:

This committee consists of all the members of the House. Sessions of this committee are presided over by its respective chairman instead of the Speaker. A distinct method is employed to control debate in these committees. Every member enjoys liberty to express his views for as much time as he cares to speak since the procedure is comparatively less formal.

3. Standing Committees:

Standing committees got developed, after 1882. These are constituted by every new Parliament in its very first session for a full term of the Parliament. At present, the number of Standing committees is five, and the fifth one is devoted specifically to all bills relating to Scotland. Representation is secured to each party according to its numerical strength within the House.

Standing committees may continue their meetings separately simultaneously with the meetings of the House, due to the excessive load of work. These may be adjourned for a short-while in order to enable the members to participate in the proceedings of the House when the vote is to be

taken.

4. Select Committees:

These committees are appointed from time to time to probe into the matters over which legislation is pending. Select committees are regarded experts on specific matters. They are authorized to call for public records or witnesses. Such committees are formed almost during every session of the Parliament. The examples of such committees are: Committee on Privileges, Committee on Public Estimates etc.

5. Private Bill Committees:

These committees deal with private bills and the total number depends on the number of private bills. The number of members of each Private Bill Committee is about four in the House of Commons while in the House of Lords each such committee, comprises five members. The Committee men give patient and impartial, hearing to the point of view of each party and are fully authorized to call for public records, officials and evidence.

6. Joint Committees:

These are formed when both the Houses of Parliament are equally interested to legislate on a particular matter. Joint Committees are also a sort of select committees as they cease to exist after having done their work.

Constitution of USA

American constitution is the oldest written constitution which has served as the model for a number of other constitutions of the modern world. The basic principles of this constitution were inspired by the "thinking of Rousseau, Montesquieu and John Locke." It manifests two basic concepts:

- a) The framers of the constitution never intended to establish a very domineering central government as it would threaten, they thought, the autonomy of the component units.
- b) They wanted limited sphere of state action in order to protect property rights.

The principle of “Separation of Powers” was also incorporated in the constitution under the influence of Montesquieu’s thought.

Preamble:

The Preamble of the constitution signifies the theory of Popular Sovereignty, as it is not granted by any person rather American people are regarded as the source of all authority.

Features of Constitution

1. Written Constitution:

American constitution consists of a brief document comprising a preamble and seven articles in all. Only twenty seven amendments have so far been made. Despite its written form, the constitution also includes certain unwritten parts.

2. Rigidity:

The constitution is rigid one and the framers prescribed a very difficult and cumbersome procedure of its amendment so that any government may not alter it easily for timely gains or under the turbulence of popular thinking.

3. Supremacy of the constitution:

The constitution stands supreme over all citizens, institutions and all branches of government, federal as well as regional. No institution of government is authorized to make a law or chalk out a policy that is against the constitution.

4. Limited Government:

The constitution eliminates all possibilities in respect of concentration of powers in any branch of the government, and all have to function within constitutional restraints. The constitution prescribes certain matters in which neither the federal nor state governments can interfere.

5. Separation of Powers:

Montesquieu's theory of "Separation of Powers" weighed heavily on the minds of the framers. They incorporated this principle in the constitution and thereby demarcated the jurisdiction of all the three branches of government. But this separation was not of water tight compartments; a system of "Checks and Balances" was also evolved, as Montesquieu himself never contemplated a rigid Separation of Powers.

6. Federal System:

It was not a matter of choice at the time of drafting the constitution to opt for any other system than the federal one, as the component states were not willing at all to surrender their autonomous status. The Confederal experience had already flopped. Consequently, a federal set up was evolved which could secure an effective central government along with autonomous regional governments.

7. Presidential Form:

The framers had full perception regarding the weakness of the confederation in the past. The underlying purpose of introducing presidential form of government was to have an effective and stable executive. The president is indirectly elected by the people for four years and is

accountable to them. The Congress can remove him from his office only through impeachment. The president can be re-elected for another term. The president appoints his ministers who are individually accountable to him and they are not the members of the Congress.

8. Bi-Cameralism:

American Congress consists of two chambers. Senate is the upper House while the name of the lower House is the House of Representatives. Senate has been constituted on the basis of equal representation of all states. The lower House is a popular chamber directly elected by the people and comprises 435 members. Both chambers have been given equal powers in the constitution. House of Representatives commands somewhat superior position in financial legislation in the sense that all money bills originate in this chamber. The Senate is fully authorized to propose an increase or decrease in estimates for expenditure or in respect of proposals for raising funds.

9. Judicial Review:

An important feature of the American Constitution lies in the important role of the courts, especially relating to their power of Judicial Review. The constitution stands paramount over the whole state apparatus, while the Supreme Court exercises the authority to interpret it. It is the duty of the Supreme Court to see that all institutions perform their respective functions within the constitutional limits.

10. Fundamental Rights:

Fundamental Rights were not given constitutional guarantees in the original documents. These were incorporated immediately after its implementation. It was through first ten amendments in the Constitution in 1791 that a Bill of Rights was incorporated in the Constitution which was also made judiciable. All fundamental rights are given constitutional protection, such as right to life, right to personal security, freedom of conscience, right to property, freedom of expression, protection against unlawful detention, trial by jury, right to family life, etc.

11. Impeachment:

Public officials and persons holding any political office can be removed from office on the conviction of treason, bribery or other high crimes and misdemeanors. The House of Representatives brings charges of misconduct by voting a bill of impeachment. The accused official is tried in the Senate, with the Chief Justice of the Supreme Court presiding at the trial.

Separation of Powers

The Framers of constitution fully kept in view the principle of “Separation of Powers” as envisaged by Montesquieu. The latter attached much importance to this theory in order to demarcate the functions of all the branches of government. He argues that public liberties suffer in case all the governmental authority is concentrated in any one branch. This principle was fully preserved by the Framers of the state constitutions as well. The Framers assigned the governmental functions to three different branches. Accordingly, the constitution lays it down that the executive powers shall belong to the President, legislative to the Congress while the Supreme Court shall be the repository of the highest judicial authority.

Checks and Balances:

The smooth functioning of a government is dependent on a closer collaboration between all of its branches. The Founding Fathers adopted a moderate path and introduced the principle of Checks and Balances.

Separate Identity:

The constitution has specified separate identity of each branch of government; and for that purpose details have been laid down. For example, President is elected by the people and is

accountable to them. The Congress can remove him only by impeachment. The President appoints all his Cabinet Ministers with the approval of Senate and is authorized to remove them at his own discretion. The Ministers are neither the members of Congress nor they attend its sessions.

The Congress on the other hand has full control over federal legislation. The President can neither summon the Congress nor can prorogue or dissolve it. The Supreme Court exercises supreme judicial authority and its independence from undue interference by other two departments, has been fully ensured under the constitution. The President appoints federal judges but he can not remove them.

Areas of Cooperation:

All the three branches of government extend mutual cooperation. The President has some legislative and judicial powers. The Congress too has certain powers regarding the organization and formation of the executive and judiciary.

Legislative role of the President:

The President has also been given certain legislative powers. He can send messages to the Congress, suggesting proposals for legislation. These messages cannot be overlooked in the legislative process. He can summon extra ordinary sessions of the Congress and veto the bills passed by the Congress.

Congress and the Executive:

The Congress also shares some administrative powers with President. The Senate approves all Presidential appointments of federal officials and the treaties made with foreign governments. Being guardian of the purse of the nation, the Congress can affect the formulation of administrative and foreign policies. It can also impeach the President.

Role of the Judiciary:

The Chief executive and the Congress, both have some judicial powers as well. The President appoints federal judges with the approval of the Senate. He can also grant pardon, reprieve and clemency. Congress can affect the organization of judiciary through its control of exchequer. The Congress determines the exclusive jurisdiction of the Supreme Court and can also remove the judges through impeachment. The Supreme Court, on the other hand, can declare void such laws of the Congress and orders of the President which are found against the Constitution.

Disadvantages of Separation of Powers

1. Conflict:

Separation of Powers, as it works in America, has been criticized from various point of views. Its serious drawbacks emerge in a situation when the Presidency and the Congressional majority belong to both rival parties. Under such circumstances there is tussle between both the branches of government.

2. Division of Responsibility:

Under a parliamentary setup, as the same party controls both the branches of government; it can therefore held responsible for all governmental actions. But under American system of government based on Separation of Powers, no single branch of government can be held responsible, especially when two rival parties control these branches.

3. Ineffective Control over the Executive:

The President and his Cabinet members do not attend the sessions of the Congress; as such they remain unaware of the trends and aspirations of people's representatives. The Ministers, being non representatives are not accountable to the people. There is a possibility that the executive may become autocratic while discharging its responsibilities.

The American political system had to pay heavily due to the rigidity in the application of the Separation of Powers during the early period. With the growth of the Constitutional Conventions, however, certain devices of parliamentary system gradually got infused into this system. At present, there exists coordination between both branches of the government, to an extent that the Framers could not even imagine.

Political Parties

George Washington had advised Americans to avoid party politics. The Founding Fathers, while chalking out details regarding the organization of different political institutions, completely ignored inevitability of Political parties. But growth of political parties started, simultaneously with the evolution of other political institutions. America developed two party system right from the inception of its political system. The importance of political parties for a country as big as America is, cannot be underestimated. Credit goes to the working of the political parties that have preserved discipline, harmony and integration in the political life.

The growth of political parties started immediately after the enforcement of the constitution and their presence was regarded inevitable despite George Washington's hatred against party politics. As a matter of fact, political parties are indispensable to the working of representative democracy. They educate the masses and portray the most complicated political issues before the people in an intelligible manner. Political parties always performed most effective role in the maintenance of maximum harmony and coordination in between the state governments and the central governments.

Salient Features of American Political Parties:

1. Emergence of political parties was completely ruled out at the time of constitution making,

hence the constitution remained silent on this issue. Parties had their growth after the enforcement of the constitution.

2. The level of rigidity in party discipline found generally in a parliamentary democracy does not exist to that extent, in the Congress due to Presidential form of government. Congressmen enjoy more freedom of speech within the chambers. The members of the Congress also give much importance to safeguarding their respective regional interests and talk little about a coherent and uniform policy. As a result, the organization of both parties is characterized by decentralization.

3. American parties are not ideologically divided into two opposite camps nor do both differ diametrically on basic national issues. They have differences only on the details of the national issues and on plan of action. As a matter of fact, both parties draw up their programs and line of action at the time of election, keeping in view the contemporary requirements. Lord Bryce was of the view that both parties are like two bottles, each one bearing a distinct label that indicates the kind of wine, but both are empty from within.

4. Both American political parties have nation-wide organization and they actively participate at different levels in governmental activity. They take part in federal election as well as in state and local elections.

5. Two party system has been retained as a legacy of British rule. Apart from two big parties, there exist a number of smaller ones but these are not very effective. During many recent congressional elections, other parties could not obtain many seats. Either of the two big parties, dominates the political scene regarding governmental organization and policy formulation.

Party Manifesto and Program

The organization of political parties in America is not based on any established principles or concepts. As the present problems confronted by American society have become much complex; the traditional line of party politics has also become ambiguous. At present, industrial interests have overshadowed the agricultural issues and this change also shape party programs.

President Eisenhower, during his Presidential term, intended to undertake welfare programs and increase the wages while his own party, Republicans, deadly opposed this policy. It rather tried to curtail the powers of the President; whereas the majority of the Democratic Party members in the Congress voted in support of Presidential proposals.

The voters in America do not owe permanent allegiance to any one party. At the time of election, they decide about their choice of the party. For instance, if they like a Democratic Presidential Candidate, they will support the same party. There is every possibility that they may support the other party in the very next election.

Differences between both Parties

1. Republican Party believed in tax concessions for low income groups, whereas Democrats had a different approach and did not want to introduce drastic changes in the taxation policies.

2. Republicans intended to safeguard the agrarian interests in particular and stood for status quo in agricultural produce; while Democrats wanted agricultural development through raising the prices of agricultural commodities.

3. Republicans did not believe in increasing the wages in the industrial fields; while Democratic Party wanted just the reverse and stood for the repeal of old laws for the realization of this goal.

4. As far centre-state relations, Republican Party wanted to give maximum aid and support to state governments in order to boost up production in the private sector. Democrats on the other hand, prefer to rely on increased sphere of national government's responsibilities.

Organization

Both parties have nation-wide organization; each has its own administrative apparatus and modes consisting of permanent office bearers and different committees at national and regional levels. Each party has its own constitution, set of rules and values that regulate disciplinary and fiscal matters. As independent candidates have remote chances of success in the American elections, every person interested in politics has, therefore, to join any political party and thereby binds himself to party discipline. This is the party that nominates the candidates during elections and is responsible for organizing election campaign in their support.

The Congress

American Congress, which is the repository of legislative authority in the federation, consists of two chambers: Senate which is the upper chamber and the House of Representatives is the lower one. Bicameralism was not adopted merely as a legacy of British rule it had to be adopted due to some unavoidable reasons. As all the states, under the "Articles of Confederation" had equal status, the smaller states at the same time of formation of the federal union, were not willing to join it unless their previous equal status was not secured at least in one chamber of the federal legislature. Formation of bicameralism was, therefore, indispensable.

The House of Representatives

The House of Representatives has been organized on popular basis. According to the constitution, the Congress determines its total strength, subject to two conditions: “Each state shall have at least one representative irrespective of its population”, and “the electors in each state shall have the qualification requisite for electors of the most numerous branches of the state legislatures. In addition to it there must be at least one representative for at least 30, 000 population. At present, the total membership of this House is 435.

Duration:

The members of this House are elected for a period of two years, which is, too short to get full knowledge of the procedural rules of the House. Moreover, the members have to start thinking and preparing for new elections very soon. That accounts for the comparatively low quality of its membership.

Organization:

During its first meeting, the newly elected House elects and appoints a number of office bearers, such as Speaker, Clerk, Sergeant at Arms, Religious guide etc. With the exception of Speaker, all others are nominated. The most senior member of the House takes the oath of office from the Speaker, while the latter administers oath from all other members collectively. It is then followed by the framing of rules to control the business of the House.

Committees:

Most of the work of the House is done by its committees which are formed in the very first session of a newly elected House. Committees are named after the subjects they have to deal with. At present, there are about 20 Standing Committees of which important ones are, Rules Committee, Committee on Ways and Means, Committee in Supply, Judicial Committee etc.

Each committee consists of 25 to 40 members. Both parties get representation in the committees according to their numerical strength in the House.

Powers and Functions

The House shares with the Senate the power to enact laws on all federal subjects. It can initiate a bill and its concurrence is required over the bills passed by the upper chamber. It enjoys somewhat superior position over the Senate in respect of financial legislation, as all the money bills originate in the House.

The House can also initiate impeachment for the removal of the President, Vice-President and other higher federal officials. For this purpose the House prepares a list of allegations against the concerned persons and pleads the case before the Senate. It can propose amendment to the constitution in collaboration with the Senate. Similarly, both Houses of the Congress can admit new states in the Union. When the election of any member of the House is challenged on legal grounds, the House is the final decision-making authority in this context.

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The Senate

The Senate has been organized on the basis of parity of representation to all states i-e. two seats are allocated to each state. No state, according to constitution, can be deprived of its equal representation without its consent.

Duration:

Senators are elected for a period of six years but one-third of them retire after every two years. Hence after every two years, new element steps in the lines of its membership. It has the advantage that the Chamber keeps itself well informed about the trends of public opinion. Long tenure of membership, on the other hand, has the definite advantage of promoting stability and continuity in the legislative process.

Presiding Officer:

American Vice President is legally the President of the Senate as well, but due to his pre-occupation in administrative matters, a President Protempore, who is a member of the majority party, performs this duty. He implements rules and regulations and maintains discipline in the House. He has full authority to give his ruling on point of order and decide when the vote has to be taken during the deliberations. Traditionally, he remains aloof from party politics.

Committees:

Most of the work of the Senate is done by its committees consisting of its members. All parties are given representation in these committees in proportion to their numerical strength in the House. In the very first session of the newly elected Chamber, party leaders nominate their members to different committees, while the House, and later formally elect them. Chairman of the Committees are always senior members. All standing committees are constituted for the entire term of the Senate.

Powers and Functions

The Senate shares equal powers with the House of Representatives in respect of legislation; while it shares with the President certain administrative powers. From this point of view, it commands somewhat superior position over the Lower House.

1. Legislative Powers:

The Senate shares, in contrast to British House of Lords, with the lower chamber equal legislative powers. It does not merely revise the bills rather most of the bills originate in the upper chamber. The Senators are the senior party members and the members of the House of Representatives pay full respect to the verdict of their party leaders. Senate has comparatively an inferior position in financial legislation as all the money bills originate in the House of Representatives.

2. Administrative Functions:

The Senate enjoys following administrative powers:

a) Presidential Appointments:

All the Presidential appointments of the senior federal officials got to be approved by the Senate by a two-thirds majority vote.

b) Ratification of Treaties:

The President is empowered to negotiate treaties with foreign countries, but these got to be ratified by the Senate by a two-thirds majority. When draft of a treaty is submitted before the Senate for approval it is referred first of all to the Committee on Foreign Affairs. After receiving its report, Committee of the Whole House reconsiders it and report it back to the Senate. On the basis of the reports of both the Committees, the Senate finally gives its approval or withholds it.

3. Impeachment:

Removal of the public officials through impeachment was a method adopted as a legacy of British rule. The President, Vice-President, judges and civil officials can be impeached while Congressmen are exempted. Such a session of the Senate is presided over by the Chief Justice. The Senate can call for evidence and necessary public records. In order to impeach a person, Senate's approval by two-thirds majority vote is essential. The maximum punishment of impeachment implies merely the removal from the office. Impeachment can be done on serious

charges involving gross misconduct or treason.

Supremacy of the Senate

American Senate commands a very significant position in the political system and has been regarded as the most powerful upper chamber. It stands superior not only to its British counterpart but also to the lower House of the Congress.

1. Representative Nature:

In contrast to the British House of Lords, Senate of America has been organized on the basis of elected representation. Since British House of Lords is basically a hereditary chamber; it has, therefore, been deprived of important powers. The Senators participate most earnestly and with full devotion in the legislative process as this Chamber enjoys extraordinary powers.

2. Limited Membership:

The total strength of this Chamber is limited hence deliberations are most effective. Most of the other legislative chambers have vast membership as a result higher standards of discussion can rarely be maintained.

3. Long Tenure:

An important reason of the supremacy of the Senators lies in their long tenure i-e six years as compared to two years of that of the House of Representatives. Senators are also re-elected twice and sometimes thrice. Long tenures ensure more commitment to the business of the House on their part. They also get more experience of legislative routine. As the term of the House of

Representatives is two years, soon after their elections, the members have to start preparing for the next election. Consequently, the members are unable to devote themselves fully to the legislative business.

4. Superior Membership:

The Senators are mostly seasoned politicians due to the long tenure of the Chamber and the special privileges and powers it enjoys. They are regarded party leaders in their respective states.

5. Representation of States:

Senate has been considered as the guardian of state rights and autonomy. As all states get equal representations in the Chamber, smaller and comparatively less resourceful states, do not object to any move aiming at the extension in its powers.

6. Special Privileges of Senators:

The Senators enjoy certain special privileges in the Chamber which are not secured to the members of the lower House. They enjoy maximum freedom of expression on the floor of the chamber so much that they can obstruct the passage of undesired laws by delivering long speeches. Moreover, the leadership is less domineering in this Chamber and the members may cast their vote in an independent manner.

7. Continuity in Membership:

The membership of the Senate undergoes complete change at no time, as only one-third of its total strength keeps on changing after every two years. Hence a new group of members is introduced regularly after a short spell. As an advantage of it, the Senate remains well informed about the trends of public opinion on the one hand, and the continuity in its membership brings more decorum to this Chamber, on the other.

The underlying purpose of the Founding fathers to make this chamber more powerful, was that they expected from it to act as a conservative check on the turbulence of democracy likely to appear in the lower House. There was a time when it played its traditional role to block progressive legislation. But at present, records show that this Chamber has become comparatively more progressive in approach.

The Presidency

At a time when contemporary European societies had hereditary monarchies, the idea of an elected chief executive, with limited powers, was unbelievable. American Presidency has been considered as the most powerful political office in the modern world. The highest executive authority is concentrated in one person. Framers of the constitution envisaged a limited control of the President over the legislative process so as to avoid the dictatorship of the President. But gradually the powers of the President in legislation expanded, responding to the needs of the circumstances.

Being the leader of the nation, the President can exercise such powers which are not explicitly laid down in the constitution. Through his Presidential messages and interviews, he can influence and shape public opinion. The Framers of the constitution intended to keep the Presidency over and above the turbulence of democracy. For this purpose, they thought it appropriate to entrust in a limited body, the mandate to elect the President. With the development of party politics, this procedure has virtually been rent ascender.

Duration:

The President is elected for a period of four years. He can resign prior to the completion of his term or can be removed through impeachment. A president can be re-elected for a second term and invariably the President in office is elected for a second term. The third term was considered undesirable and undemocratic, right from the early period although it was not disallowed in the

constitution. George Washington had refused to be elected for a third term. Jefferson did likewise. But this Convention was broken under the stress of World War II and President Roosevelt, was re-elected not only for third but even for fourth term. Ultimately the constitution was amended in 1951 and third term was disallowed. In case of death of a President, the Vice President performs the functions of President and completes the unexpired portion of his tenure.

Impeachment:

Though Presidential term of office is fixed and he can't be removed, unlike Parliamentary practice, before the completion of that period by a vote of no-confidence. Nevertheless, the Congress can remove him by impeachment on the grounds of gross misconduct involving treason, accepting bribe, or any other serious charge.

Privileges:

Being the head of state, the President enjoys certain privileges. He cannot be arrested on the basis of any charge nor can be summoned in a court as a witness. He can only be impeached by the Congress, but is given full opportunity of defence to plead his case. The President is paid huge amount as salary including other allowances. Huge sums are reserved for expenditure at the disposal of the President in the annual budget.

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Powers of President

1. Executive Powers:

a) Enforcement of Law:

Being the head of the executive, the President is responsible for the enforcement of Constitution

as well as of all federal laws. Different government departments assist him in the performance of these functions. In the collective interest of nation, he can use armed forces under federal laws.

b) Presidential Appointments:

The President appoints all higher federal officials with the approval of the Senate. The Senate can invest him the power to appoint subordinate officials. Senate approves all the Presidential appointments by two thirds majority.

c) Powers of Removal:

The Constitution does not throw light on the issue of the removal of federal officials. But the Supreme Court declared that the President is fully authorized to remove the federal officials in his own discretion except the judges of the Supreme Court who can be removed only by impeachment.

d) Diplomatic Powers:

American President has exercised enormous powers in foreign affairs right from the early period. He has been regarded as the chief spokesman of America in its relations with foreign governments. In his messages and comments, the President can express the principles of foreign policy which may be hostile to an otherwise friendly country or cordial for an enemy one. Another important power of the President is the appointment of ambassadors, consuls and other members of diplomatic corps, subject to the confirmation by the Senate. President receives the ambassadors of foreign countries, an action indicating indirectly the recognition of that state. His power to make treaties with other governments has been subject to the ratification by the Senate with the two thirds majority vote.

e) Role in Defence:

The President is responsible for the defence of the country. He is the Supreme Commander of the

armed forces and as such appoints a number of higher military officials. He can make rules and regulations for the execution of the acts of the Congress relating to defence. He is fully authorized to deploy the armed forces anywhere in or out of the country and take the command in his own hands. To declare war is, no doubt, a matter which falls within the domain of the Congress, but the President can create such a situation that declaration of war becomes inevitable.

2. Legislative Powers:

Executive interference in legislation has been minimized in America due to the working of "Separation of Powers". But rigidity in traditional separation has receded into the background and both branches cooperate in many respects. Credit goes to the political parties for performing integrative role. Under certain Conventions, President's role in legislation becomes extensive while the Congress has itself appreciated the legislative role of the President.

a) Extraordinary Sessions:

The President can't summon ordinary sessions of the Congress but can summon its extraordinary sessions under special conditions. Such sessions are rarely convened as the Congress remains in session from eight to nine months in a year.

b) Messages:

Neither the President nor his Ministers participate in deliberations of the Congress and as such laws are enacted without the guidance of the administrative branch. But the chief executive sends messages to the Congress conveying his proposals on important issues.

c) Indirect involvement:

All the bills in both the chambers of the congress are introduced by private members, the executive, however, indirectly participates in the drafting of many bills. Rather certain bills are

prepared under the exclusive supervision of the executive branch and the president gets these introduced in the Congress through his party men.

d) Presidential Veto:

President can veto the bills passed by the Congress, and every bill passed by the legislative branch got to be signed by the President. Hence a single Presidential vote can override decision taken by the majority of 289 votes of the House and 66 that of the Senate. When the bill is sent for presidential approval, the latter shall either approve it within ten days or withhold his assent. But if he fails to do any of the things within ten days, the bill shall deem to have been passed without Presidential assent.

In case the session of the Congress adjourns before the expiry of ten days while the bill has not been approved by that time, it will die, termed as Pocket Veto. This power of Pocket Veto is useful device in the hands of President to check undesired legislation. This suspensive veto of the President very often becomes permanent veto as it becomes difficult for the Congress to manipulate majority support for getting the bill passed.

3. Financial Powers:

Federal budget is prepared by the Bureau of the Budget under the supervision of the President and the Director of the Bureau remains in constant touch with the President during this time. It is submitted in the Congress for approval on behalf of the President. The latter can effectively shape financial legislation through his party men in the Congress. Generally, the estimates proposed by the President are approved as the ordinary members do not normally understand the complexities involved in fiscal matters.

4. Judicial Powers:

American President appoints federal judges with the approval of the Senate. He can grant pardon, reprieve and clemency, with the exception of sentences given through impeachment. He

can also announce general amnesty for all sentences given for political crimes. Abraham Lincoln did the same after the end of civil war. The President generally exercises judicial powers on the advice of the Attorney General. It should be kept in mind that the Supreme Court has no advisory jurisdiction i-e President can not seek legal advice from the Supreme Court.

After having been elected as President, a person becomes not only the party chief but also assumes the role of a national leader. Consequently, he enjoys the privilege to control members of the Congress belonging to his party, as well as to guide the nation. Much depends on the personal caliber of a President. The early Presidents, such as Washington, Adams, Jefferson and Madison were great statesman while their successors of the 19th century, with the exception of Abraham Lincoln and Andrew Johnson, were average. With a President of higher intellectual caliber and political sagacity, the head of the state can expand his constitutional role and expert powers even in those spheres, an ordinary office holder cannot even think.

Presidential Cabinet

The President is the repository of all administrative authority. As it is difficult for one man to carry on the business of state exclusively, he appoints advisors as heads of the departments to assist him in the performance of his responsibilities. The constitution does not mention the Cabinet nor did it get legal recognition till 1907. President Washington started practice of consulting heads of the departments later the Presidential Cabinet began holding its meeting regularly.

The members of the Presidential Cabinet cannot be members of the Congress simultaneously. If any such person is included in the Cabinet he has to resign his seat of the Congress. The Senate very often, gives approval of the President's choice of his Cabinet colleagues. The President can remove any of the members of his Cabinet in his own discretion. In case of the resignation,

removal or death of a President in office, all the Cabinet members shall have to quit their offices.

The President has of course, a free hand in the selection of his ministers. Nevertheless, he has to include not only competent and sincere persons in his cabinet but also to satisfy different factions of the party. Pressure groups can also exert pressure for the inclusion of certain persons as heads of particular departments. For example, the appointment of a person as incharge of treasury may complicate the matter, who is not acceptable to big bankers.

All the Cabinet members are regarded as the personal representatives of the President and every one is individually accountable to him. President presides over the meetings of the Cabinet but is not bound even by its unanimous decisions. The meetings are held once a week and the proceedings are kept confidential. There is no regular agenda of the meetings. Only those matters can be discussed which are put for discussion by the President. Sometimes, the President simply informs the Cabinet about his important decisions and no discussion is allowed. Private advisors of the President are sometimes more effective than the Cabinet members in political decision making. Sometimes, the Vice President may also attend the Cabinet meetings on special invitation. President has the sole discretion to invite any other person to attend the cabinet meeting.

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Vice President

Vice President is elected simultaneously with the President. Conditions governing this office are similar to those relating to the Presidency. According to a Convention, the President and Vice President should not be from the same state. Generally, the candidates to both offices represent the different wings of the party. If Presidential candidate, for example, belongs to liberal faction the Vice Presidential candidate will be from conservative group.

As the Vice President has to act as President in case of removal or death of the President, this office gained much importance. According to 25th amendment of the constitution, the office of Vice President cannot remain vacant. In case of death, removal or resignation of the Vice President, the President shall nominate any person as Vice President, with the approval of Congress by a two thirds vote.

The candidate for Vice President is nominated at Party Convention, according to the choice of the Presidential nominee, as the former has to assist the President in statecraft. Vice President is also the President of the Senate; as he finds little time to attend its sessions a President protempore, therefore, performs this function in place of Vice President.

The office of Vice President remained insignificant for a long time. Truman, who acted as Vice President for three terms under the presidency of Roosevelt, writes in his Memoirs that his position as Vice President and President of Senate was rolling in between the executive and the legislative branch and that he was neither accountable to any of these nor trusted by both. Senators, he writes, would rarely consult him on any issue while outwardly they were quite friendly to him, but would never treat him as a member of Senate. The President, on the other hand, would not consult him on confidential matters lest these would be disclosed in the Senate.

At present, the office of Vice President has grown in importance. He actively participates in the meetings of the Presidential Cabinet and also presides over these in the absence of President. He can be sent abroad as spokesman and personal envoy of the president.

Comparison of American President and British Prime Minister

A comparison of American president with his counterpart in any other political system is difficult as it involves many complexities. American President is neither counterpart of British Monarch nor that of Prime Minister. A comparative analysis has been given below in order to explain the nature of both political offices:

Supremacy of Presidency:

1. The term of office of the President is fixed and before the expiry of that period he cannot be removed except through impeachment. The latter method is difficult and no President has so far been removed through impeachment. Moreover, it signifies a quasi-judicial process and is not a political one, hence rarely adopted.

But English Prime Minister can be removed along with his Cabinet by a vote of no-confidence passed by the Parliament and it happened many a times. Although the Cabinet, very often enjoys the support of the majority party due to the existence of a stable two party system; even then the office of Prime Minister lacks such stability due to the absence of fixed term.

2. The Congress has least interference in the administrative affairs on account of the Separation of Powers. The President enjoys full administrative authority and is accountable not to the legislature but to the nation.

Whereas the Prime Minister, on the other hand, is accountable to the Parliament and has to seek the approval of the Parliament for all of his policies.

3. American President commands dominant position in his Cabinet. He can appoint any one as his advisor and get him removed on his own discretion. All Ministers are individually accountable to the President who is exclusively responsible to the people.

But the British Prime Minister does not enjoy a free hand regarding the choice of his Cabinet colleagues, nor does he command pre-dominant position within the Cabinet. Moreover the Cabinet is collectively responsible for the formulation and execution of administrative policies.

A clear example regarding the comparatively dominant position of the President is provided by an event of the World War II. When Mr. Roosevelt and Mr. Churchill met in connection with the preparation of Atlantic Charter, President Roosevelt appeared to have full authority to take any decision without any further consultation or approval, while Prime Minister Churchill, on the other hand, had to consult his Cabinet colleagues quite frequently. The latter had to contact his colleagues for almost thirty times in London within three days, as he had to pay due heed to the principle of Collective Responsibility of the Cabinet.

Unique Role of the Prime Minister:

The British Prime Minister has more advantageous position than the American President in many ways. All the discretionary powers of the President as explained above are also, in practice, exercised by the Prime Minister. The reason being that the latter enjoys the support of the majority party and is regarded as its leader.

1. Stability:

As regards the threat of a vote of no-confidence against the cabinet, it remains ineffective so long as the ruling party commands majority within the Parliament. Even if it is passed, the Prime Minister can get the Parliament dissolved by rendering such advice to the Queen. The Prime Minister also enjoys a leadership role within the Cabinet. His opinion carries great weight and is held in esteem by his Ministers. He can force any Minister to resign.

2. As leader of the House:

The Prime Minister performs a pivotal role within the Government due to his position as head of the government as well as that of the legislature, i-e he is head of the Cabinet and the leader of the House as well. He is not responsible merely for the formulation of administrative policies but also performs a dominant role in legislation. In contrast to this, the President of America does not exercise so effective control over legislation due to the working of Separation of Powers. The

situation becomes more alarming when the Congressional majority belongs to the President's rival party.

3. Fiscal Control:

The Prime Minister performs comparatively more effective role in financial legislation than that of the American President. All the fiscal estimates proposed by the Cabinet are normally approved by the Parliament in the Original form.

Conclusion:

Despite the effective role of the Prime Minister in the governmental machinery, the position of the President can be underestimated, as his office has grown into power in the present century. Due to ever increasing coordination in both the branches of American government, the President acts as legislator in his own right as well and can exert his influence over the Congress through his party members. It is difficult to conclude categorically which of the two offices is more important and powerful, on the basis of a comparative analysis. Most of the theorists believe that the Presidency is more domineering in respect of its responsibilities and powers.

Constitution of 1956

First constitution was approved on 29th January 1956. The Governor General gave his assent on 2nd March and the new constitution was enforced on 23rd March, 1956 and Pakistan was transformed into an Islamic Republic. The Objectives Resolution passed by the First Constituent Assembly in 1949 was included in the Preamble of 1956 Constitution. Under this constitution, parliamentary form of government, modeled on British pattern, was adopted. This federal system was closer to the one as it existed under 1935 Act of India.

Salient Features

1. Nature of the Constitution:

The constitution of the First Republic was a brief document containing six schedules and 234 Articles. It regulated the activities and determined the jurisdiction of both, central as well as that of provincial governments, unlike American Federation; the Federating units did not have their separate constitutions.

2. Federation:

Under the constitution, there existed division of powers between the central and provincial governments in the form of three lists. One of the lists included the affairs on which central government was authorized to legislate, the second list dealt with provincial government's jurisdiction, while the third one included all concurrent affairs on which both central as well as provincial governments could legislate.

3. Parliamentary System:

The form of government was modeled on parliamentary lines which had closer resemblance to the system as worked under 1935 Act of India. Under this system, all ministers were supposed to be the members of Parliament and they remained in office so long as they continued to command the confidence of the majority of the Assembly, otherwise, they had to resign. The Cabinet was collectively accountable to the National Assembly.

4. Uni-Cameral Legislature:

It is a common practice in almost all the federal states to introduce bicameral legislature in which

the upper chamber is organized on the basis of parity of representation to all the federating units while the lower chamber is organized on popular basis. But in Pakistan, there existed only one Chamber of the Parliament in which parity of representation was secured to both the federating units i.e. East and West Pakistan.

5. Independence of Judiciary:

The constitution ensured necessary safeguards to secure independence of judiciary. The judges of the superior courts were to be appointed by the head of the State and were ensured full security of service. They could not be removed prior to their retirement except through impeachment, nor their salaries diminished.

6. Directive Principles:

Directive principles of state policy were also incorporated in the constitution, a practice copied from Irish Constitution and contained in 1935 Act of India as well. Some of these principles dealt with Islamic teachings. It was also reaffirmed that Pakistan would always pay due regard to the Charter of the United Nations and perform its due role in its efforts to maintain international peace and security. It was also reaffirmed that Pakistan would foster fraternal relations with other nations.

7. Fundamental Rights:

Fundamental rights were made the part of the constitution and were to be enforced by the Supreme Court. All such laws or administrative policies which violated Fundamental rights could be challenged in the Court of Law. Some important of these were: right to life, right to personal security, freedom of thought and action, of speech and expression, right of movement within the country, right to privacy and family life etc.

8. Islamic Provisions:

Pakistan is an ideological polity which came into being for the purpose of implementing Islamic way of life. Hence the basic objectives of the newly created state were pre-determined. The Objectives Resolution passed by 1st constituent Assembly, clearly pointed out Islamic ideology as the basis of new socio-political order. It was included in the Preamble of the constitution which recognized sovereignty of Allah and reaffirmed that no law would be enacted which was against the injunctions of Islam. The name of the republic also reflected its Islamic character.

Causes of Failure of Constitution of 1956

The constitution remains enforced for a period of two years only while it is too short period to test the utility of a constitution. As a matter of fact, the implementation of Constitution signifies the beginning of a new era of democracy but anti-state elements and disgruntled politicians were not sincere to this process and were bent upon sabotaging the system. Most of the politicians tried to seize political authority through back doors and indulged in political intrigues.

Democratic norms were not paid due heed.

Elections could not be held under the new constitution and capturing of political power through palace intrigues became a routine affair. Nepotism, favoritism and selfishness shook the foundations of the political system. Undoubtedly, the situation became ripened for the intervention of military in politics. Martial Law was imposed in October 1958 and it was announced that parliamentary democracy had failed.

Constitution of 1962

The Constitution of Second Republic was a comprehensive document, comprising 250 articles

and three schedules. It did not have a representative character but was granted by one man.

Salient Features

1. Nature of the Constitution:

1962 Constitution of Pakistan, like the abrogated constitution, was a written constitution and consisted of a comparatively detailed document. This constitution was partly rigid and partly flexible. The National Assembly was authorized to amend the constitution by a two thirds majority with the concurrence of the president.

2. Federal System:

The introduction of federal system was a matter already decided in the Objectives Resolution. It was also adopted later under 1956 constitution and also retained by the Framers of the Constitution of the 2nd Republic. According to the pattern of division of powers, as chalked out in the constitution, the powers of the central government are enumerated and expressed in a list while all residuary powers belong to the provinces.

3. Presidential System:

Presidential form of government was enforced under 1962 constitution. Swift changes in the government and the subsequent political instability, before the imposition of martial law in 1958, had created chaos in the country. In view of this consideration, the Constitution Commission recommended presidential system in order to overcome political instability and enforce a firm socio-economic and political order.

4. Unicameral Legislature:

Under both 1st and 2nd republics, parity of representation between West and East Pakistan was secured within uni-cameralism, whereas seats in each of the provinces were allocated according to the ratio of population.

5. Indirect Election:

It was a general impression that one of the major causes regarding the failure of constitutional machinery during 1st Republic was the introduction of adult suffrage in isolation from adult education. The framers of 1962 Constitution envisaged indirect method of election for the Presidency and for the legislative assemblies.

6. Role of Judiciary:

In Pakistan, dual system of courts does not exist as there is a single series of judicial hierarchy with Supreme Court at the apex. Proper safeguards had been introduced under 1962 Constitution, to ensure the independence of judiciary.

7. Islamic Provisions:

Under 1956 Constitution of Pakistan, the state was declared as an Islamic Republic but in the original document of the 1962 Constitution, the word Islamic was deleted from the name of the Republic. This clearly indicates the underlying motive and the real spirit behind the constitution-making. It was due to severe popular reaction that the word "Islamic" was re-inserted.

8. Fundamental Rights:

The original document of the constitution did not include a list of fundamental rights. It was in the first amendment of the constitution in 1963, that these were included and made its part. The list of fundamental rights incorporated almost all the rights secured to its citizens by a modern state. It is worth remembering that public liberties become more secure when secured through constitution and made judiciable.

Failure of the Constitution of 1962

The period of President Ayub's rule was a bit longer and outwardly appeared stable. But it was hollow from within as the political system was not based on political participation. The forces of disintegration continued to gain strength and ultimately the time approached when the people stood up against the government. The political parties were already active against the government and demanded the restoration of parliamentary system, direct elections and fundamental rights. The people of three provinces of West Pakistan, except Punjab, were against One Unit while most of the political parties also demanded its abolition. The critics of One Unit also joined hands with the forces of opposition to Ayub's regime. Hence all the opponents of the government joined hands and organized demonstrations against the government. There were country-wide street demonstrations, with events of violence and terrorism, demanding the resignation of the government. Consequently, law and order situation deteriorated from bad to worst.

The political situation became more and more alarming and brought law and order situation at the verge of anarchy. President Ayub Khan announced the transfer of political authority to Yahya Khan, the Commander in Chief of the Armed Forces, who imposed Martial Law on 25th of March 1969. All the legislative Assemblies were dissolved and the constitution abrogated.

Constitution of 1973

The National Assembly which was elected in 1970 had also to prepare a constitution for the country. For this purpose, it formed a committee in its session held on 17th April, 1972,

comprising all the representatives of the parliamentary parties. The recommendations of the committee were finally approved on 10th April, 1973 and assented by the President on 12th April. The constitution was not implemented immediately as the formation of Senate was essential as a constitutional requirement. The constitution was enforced on 14th August, 1973.

Salient features of the Constitution

The name of the Republic, according to the Constitution, is Islamic Republic of Pakistan. The territories of Pakistan have been specified in the Constitution. The Federation consists of the Provinces of Punjab, Baluchistan, NWFP and Sindh, Islamabad (the Capital under the direct administration of the Federal Government), Tribal Areas and all the territories which would be included in future. As regards East Pakistan, it was laid down in the original document that the constitution would be amended to give participation to the people of that province when the imprints of foreign aggression would wither away. But the territory of East Wing was eliminated from the Federal Territory through 1st Amendment of the Constitution and Bangladesh recognized as an independent state.

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1. Preamble:

Islamic ideology was given de-jure recognition preliminary in the form of Objectives Resolution of 1949 and later incorporated in the Preambles of all the Constitutions of the Republic.

2. Nature of the Constitution:

The Constitution of the 3rd Republic, like its previous counterparts, is written as its major part has been reduced to writing. It consists of 280 Articles classified into 12 chapters and six schedules. The constitution is partly flexible and partly rigid. The proposal to amend it can be

initiated in any of the Houses of the Parliament. If ratified by two-thirds majority of both the Houses and later assented to by the President, the constitution stands amended.

3. Federal System:

According to the pattern of division of powers, as worked out within federal structure, one list deals with all such affairs on which the Parliament has the power to legislate, while the other known as concurrent list, includes all matters on which both central as well as Provincial legislatures are authorized to enact laws. All residuary powers, dealing with matters not included in any of the aforesaid lists, belong to the provincial governments.

4. Parliamentary Form:

In the original constitution of 1973, such a parliamentary structure was introduced as could ensure predominant position of Prime Minister which was theoretically in line with the basic principles of this system. The position of the president was that of a titular head and the intention of the Framers was to make this office ineffective in order to avoid a situation similar to the one which existed under 1956 Constitution.

5. Bi-Cameralism:

Under both the defunct constitutions of Islamic Republic of Pakistan, the central legislature was unicameral but bicameralism has been introduced in the 3rd republic. It is a common practice in almost all the federal states to keep two houses of the legislature in which the lower house is constituted on popular basis while the upper one represents the federating units on parity basis.

6. Independence of Judiciary:

Independence of Judiciary has been regarded indispensable for the enforcement of justice in a society. People can enjoy their rights and safeguards their interests effectively if the courts are free and impartial in dispensing justice.

7. Fundamental Rights:

The present constitution of Pakistan incorporates almost all the fundamental rights that were ensured under the defunct constitutions. These rights are to be enforced through superior courts. Neither the Parliament nor any provincial legislature is authorized to enact any law repugnant to fundamental rights; otherwise the Superior Courts have the power to declare such laws invalid.

8. Direct Method of Election:

The constitution of 1973 prescribes direct method of election to return the deputies to different legislative assemblies. But indirect method of election has been retained for the elections to the Senate. The underlying purpose seems to introduce different electoral base from that of the National Assembly so as to avoid duplication. Moreover, the Senate is expected to act as the guardian of the rights of the federating units, so the latter has been given the right to elect the Senators.

9. Economic Justice:

It has been reaffirmed in the constitution to implement a balanced economic system so as to eradicate all economic ills. It has been laid down in the Principles of Policy that government shall provide basic needs of life to all the citizens. For this purpose, private and public, both sectors have been given protection under the constitution.

10. Official Language:

Urdu has been prescribed as the national language. It has been made obligatory on the government to take proper steps for the introduction of Urdu as official language within fifteen years from the date of the commencement of the constitution.

11. Single Citizenship:

Dual citizenship exists in most of the federal states. Hence, rights and duties of citizens are determined by a federal constitution as well as under the constitutions of federating units. But all the citizens of Pakistan enjoy same rights and obligations in every part of the country. All rules relating to the citizenship are also governed by federal laws.

12. Holding of the Referendum:

The President is authorized to order for holding a referendum on any issue of national importance on his own initiative or on the advice of the Prime Minister.

Important Amendments in 1973 Constitution

First Amendment

May 4, 1974

It amended Articles 1, 8, 17, 61, 101, 193, 199, 200, 209, 212, 250, 260 and 272, and the First Schedule of the Constitution of Pakistan.

The amendment to Article 1 redefined the boundaries of Pakistan and removed references to East Pakistan after the recognition of Bangladesh by Pakistan.

Second Amendment

September 21, 1974

A person who does not believe in the absolute and unqualified finality of the Prophethood of Holy Prophet Muhammad (PBUH) the last of the Prophets or claims to be a Prophet, in any sense of the word or of any description whatsoever, after Holy Prophet Muhammad (PBUH), or recognises such a claimant as a Prophet or a religious reformer, is not a Muslim for the purposes of the Constitution or law.

Seventh Amendment

May 16, 1977

Insertion of new Article 96-A, in the Constitution.

Referendum as to confidence in Prime Minister:

(1) If at any time the Prime Minister considers it necessary to obtain a vote of confidence of the people of Pakistan through a referendum, he may advise the President to cause the matter to be referred to a referendum in accordance with law made by Parliament.

(2) The law shall provide for the constitution of a Referendum Commission and the manner and mode of holding a referendum.

(3) The President shall call upon the Referendum Commission to conduct a referendum amongst the persons whose names appear on the electoral rolls.

(4) Any dispute arising in connection with the counting of votes at a referendum shall be finally determined by the Referendum Commission or a member thereof authorised by it. And no dispute arising in connection with a referendum or the result thereof shall be raised or permitted to be raised before any Court or other authority whatsoever.

(5) If, on the final count of the votes cast at the referendum, the Prime Minister fails to secure majority of the total votes cast in the matter of the confidence of the people of Pakistan, he shall be deemed to have tendered his resignation within the meaning of Article 94 of the Constitution of Pakistan.

Eighth Amendment

November 11, 1985

It amended articles 48, 51, 56, 58, 59, 60, 75, 90, 91, 101, 105, 106, 112, 116, 130 and 144,

omitted articles 152- A and added 6th schedule. However, the most important amendment was that of article 58.

The President may also dissolve the National Assembly in his discretion, where, in his opinion:
(a) a vote of no-confidence having been passed against the Prime Minister, no other member of the National Assembly is likely to command the confidence of the majority of the members of the National Assembly in accordance with the provisions of the Constitution, as ascertained in a session of the National Assembly summoned for the purpose; or

(b) a situation has arisen in which the Government of the Federation cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary.”

Article 58 2(b), which granted the discretionary power to dissolve the National Assembly, was invoked three times in the 1990s:-

- by President Ghulam Ishaq Khan against Prime Minister Benazir Bhutto on August 6, 1990,

- by President Ghulam Ishaq Khan against Prime Minister Nawaz Sharif in 1993 and

- by President Farooq Ahmad Khan Leghari against Prime Minister Benazir Bhutto in November 1996.

In the second instance, Prime Minister Nawaz Sharif was reinstated by the Supreme Court, but the resulting stalemate ended with the resignations of both Ghulam Ishaq Khan and Prime Minister Nawaz Sharif. The use of Article 58 2(b) was almost exclusively justified by the President as necessary, for the removal of corrupt governments that, it was asserted, had lost the confidence of the people. Elections were held each time that caused the ruling party to lose its majority or plurality in the National Assembly.

Twelfth Amendment

July 28, 1991

Addition of new Article 212-B in the Constitution.

Establishment of Special Court and Supreme Appellate Courts for trial of heinous offences:

In order to ensure speedy trial of cases of persons accused of such of the heinous offences specified by law as are referred to them by the Federal Government, or an authority or person authorised by it, in view of their being gruesome, brutal and sensational in character or shocking to public morality, the Federal Government may by law constitute as many Special Courts and Supreme Appellate Courts as it may consider necessary.

A Special Court and a Supreme Appellate Court shall decide a case or, as the case may be, an appeal within 30 days.

(Article 212-B shall cease to be a part of the Constitution after three years).

Thirteenth Amendment

April 4, 1997

The 13th Amendment stripped the President of the power to dissolve the National Assembly and call for new elections, effectively reducing the Presidency to a ceremonial figurehead.

Fourteenth Amendment

July 4, 1997

Addition of new Article 63A in the Constitution.

“63A Disqualification on ground of defection, etc.”

(1) A member of a House shall be deemed to defect from a political party if he, having been elected as such, as a candidate or nominee of a political party, or under a symbol of political party or having been elected otherwise than as a candidate or nominee of a political party, and having become a member of a political party after such election by means of a declaration in writing:

(a) commits a breach of party discipline which means a violation of the party constitution, code of conduct and declared policies, or

(b) votes contrary to any direction issued by the Parliamentary Party to which he belongs, or

(c) abstains from voting in the House against party policy in relation to any Bill.

(2) Where action is proposed to be taken under clause (1), sub-clause (a), the disciplinary committee of the party, on a reference by the head of the party, shall decide the matter, after giving an opportunity of a personal hearing to the member concerned within seven days.

In the event the decision is against the member, he can file an appeal, within seven days, before the head of the party, whose decision thereon shall be final.

In cases covered by clause (1), sub-clauses (b) and (c), the declaration may be made by the head of the party concerned after examining the explanation of the member and determining whether or not that member has defected.

(3) The presiding officer of the House shall be intimated the decision by the head of the political party in addition to intimation which shall also be sent to the concerned member. The presiding officer shall within two days transmit the decision to the Chief Election Commissioner.

The Chief Election Commissioner shall give effect to such decision within seven days from the date of the receipt of such intimation by declaring the seat vacant and amend it under the schedule of the by-election.

Fifteenth Amendment

Addition of new Article 2B in the Constitution.

Supremacy of the Quran and Sunnah:

(1) The Holy Quran and Sunnah of the Holy Prophet (PBUH) shall be the supreme law of Pakistan.

(2) The Federal Government shall be under an obligation to take steps to enforce the Shariah, to establish salat, to administer zakat, to promote amr bil ma'roof and nahi anil munkar (to prescribe what is right and to forbid what is wrong), to eradicate corruption at all levels and to provide substantial socio-economic justice, in accordance with the principles of Islam, as laid down in the Holy Quran and Sunnah.

Sixteenth Amendment

August 5, 1999

Article 27 of the Constitution provides safeguards against discrimination in services. In order to provide opportunity and representation to all classes of persons and areas in services. The 16th Amendment meant to increase the duration of provincial quota system from 20 years to 40 years and thus it is applicable upto 2011.

Seventeenth Amendment

December 2003

This amendment made many changes to the Constitution. Many of these changes dealt with the office of the President and the reversal of the effects of the 13th Amendment.

Important points of this amendment are:

- President Musharraf's Legal Framework Order (LFO) was largely incorporated into the constitution, with a few changes.
- Article 63(1)(d) of the Constitution to become operative after December 31, 2004. The intent of this was to prohibit a person from holding both a political office (such as that of the President) and an "office of profit" - an office that is typically held by a career government servant, civil or

military - such as the office of the Chief of Army Staff. Although this was supposed to separate the two types of office, a loophole - "... other than an office declared by law .." - allowed Parliament to pass an ordinary law later in 2004 - permitting the President to hold on to the office of Chief of the Army Staff, an option that President Musharraf then exercised.

- Should the President win a majority in a vote of confidence in the electoral college within 30 days of the passage of this amendment, he shall be deemed to be elected to the office of President. (On January 1, 2004, Musharraf won 658 out of 1,170 electoral-college votes - a 56 per cent majority - and was thereby deemed to be elected president.)

- The President regains the authority to dissolve the National Assembly - and thus effectively to dismiss the Prime Minister - but the power to do so is made subject to an approval or veto by the Supreme Court of Pakistan.

- A Governor's power to dissolve a provincial assembly is similarly subject to Supreme Court approval or veto.

- Article 152A, which dealt with the National Security Council (NSC), was annulled. (The legal basis for the NSC is now an ordinary law, the National Security Council Act of 2004.)

- Ten laws had been added by the LFO to the Sixth Schedule, which is a list of "laws that are not to be altered, repealed or amended without the previous sanction of the President." After this amendment, five of those laws will lose their Sixth Schedule protection after six years. Laws to be unprotected include four laws that established the system of democratic local governments.

(Those in favour of this change have argued that it would enable each province to evolve its own systems. Opponents fear that authoritarian provincial governments could disempower or even dismantle the system of local democracies.)

Eighteenth Amendment

April 19, 2010

The 18th Amendment aimed at removing the power of the President to dissolve the Parliament unilaterally, turning Pakistan from a semi-presidential to a parliamentary republic, and renaming North-West Frontier Province to Khyber Pakhtunkhwa.

The package is expected to counter the sweeping powers amassed by the Presidency under former Presidents General Pervez Musharraf and General Muhammad Zia-ul-Haq and to ease political instability in Pakistan. The 'historic' bill reverses many infringements on Constitution over several decades by its military rulers.

Omission of clause (b) of article 58:

Dissolution of the National Assembly.

(1) The President shall dissolve the National Assembly if so advised by the Prime Minister; and the National Assembly shall, unless sooner dissolved, stand dissolved at the expiration of 48 hours after the Prime Minister has so advised.

(2) The President may also dissolve the National Assembly in his discretion where, a vote of no-confidence having been passed against the Prime Minister, no other member of the National Assembly commands the confidence of the majority of the members of the National Assembly in accordance with the provisions of the Constitution, as ascertained in a session of the National Assembly summoned for the purpose.

270AA. Declaration and continuance of laws, etc:

The Proclamation of Emergency on October 14, 1999, the Provisional Constitution Order No.1 of 1999, the Oath of Office (Judges) Order, 2000 (No.1" of 2000), Chief Executive's Order No. 12 of 2002, Chief Executive's Order No. 19 of 2002, the amendments made in the Constitution through the Legal Framework Order, 2002 (Chief Executive's Order No. 24 of 2002), the Legal Framework (Amendment) Order, 2002 (Chief Executive's Order No. 29 of 2002) and the Legal Framework (Second Amendment) Order, 2002 (Chief Executive's Order No. 32 of 2002), are declared as having been made without lawful authority and of no legal effect.

All other laws including President's Orders, Acts, Ordinances, Chief Executive's Orders, regulations, enactments, notifications, rules, orders or bye-laws made between October 12, 1999, and October 31, 2003, continue to be in force until altered, repealed or amended by the competent authority.

The President

The President is the head of the state and has been regarded as the chief spokesman of the republic. He is constitutionally the repository of the highest administrative authority of the federation which he can exercise in his own discretion or on the advice of the Prime Minister. Under the constitutional arrangements, balance has been maintained between the powers of the President and that of the Prime Minister, whereas in the original constitution, President has no effective say in the federal administration.

Qualifications:

1. He must be a Muslim.
2. He should not be less than forty-five years of age.
3. He must be qualified to be elected as member of the National Assembly.

Election:

The President is to be elected by both Houses of the Parliament in a joint session and by the members of all the Provincial Assemblies. Hence, the method of election is indirect while the legislative bodies are to act as Electoral College. In case the office becomes vacant due to the death or resignation of the President, the new President shall be elected within thirty days.

Tenure:

The term of the office of the President is five years and he can be re-elected for another term but third term in succession has been disallowed. The President can also be removed prior to the termination of his tenure.

Limitations:

The President-elect cannot remain a member of the Parliament or that of a Provincial Assembly. In case a member of any Assembly is elected as President he has to resign from the membership. Under the constitution, he is not entitled to hold an office of profit in the service of Pakistan.

Privileges:

No criminal case can be registered in any court against the President in office, nor is any Court authorized for prosecution leading to his arrest. The President is also exempted from all civil proceedings in a civil court.

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Powers of the President

The President was supposed to act as a constitutional head in the original constitution while Prime Minister virtually enjoyed all administrative powers. Hence the President has no discretionary authority and was expected to act only on the advice of the Prime Minister.

1. Executive Powers:

The President is the repository of the supreme executive authority of the federation which shall

be exercised on the advice of the Prime Minister and his Cabinet.

a) Formation of Cabinet:

The most important function of the President is to appoint the Prime Minister. He invites the leader to form the Cabinet who commands the confidence of the majority of the National Assembly. The choice of the President regarding his nomination of Prime Minister has been curtailed so as to avoid his undue interference in practical politics. The President shall appoint other ministers on the advice of the Prime Minister. As a matter of fact, the formation of the Cabinet is the sole responsibility of the Prime Minister. The Prime Minister and his cabinet colleagues shall remain in offices at the pleasure of the President. But the President can remove them only when he thinks that they have ceased to command the confidence of the majority in the National Assembly. He may ask the Prime Minister to get vote of confidence in the House. If the Prime Minister fails to do this, the Cabinet has to resign.

b) Discretionary Powers:

The President is authorized to ask the Cabinet to review its policy on a particular matter. It includes even such matters which have not been considered by the Cabinet, but dealt with by the Prime Minister or by any other minister. In the performance of his functions, the President can seek the advice of the Prime Minister or that of any other minister but is not bound to act accordingly.

c) Appointment:

In addition to the appointment of the Prime Minister and that of other ministers, the President also appoints a number of superior administrative officers. Appointments of ambassadors to different countries and that of the Chief Election Commissioner, judges of superior courts fall within the discretionary powers of the President. The latter appoints the Provincial Governors, after consultation with the Prime Minister. He can negotiate treaties with foreign nations. Being the supreme commander of the armed forces, he has to appoint Chief of Staff of all the three

forces in addition to the appointment of Chairman of Joint Chiefs of Staff Committee in consultation with the Prime Minister.

2. Legislative Role:

The highest legislative authority in the country is the President in Parliament. The President can summon, prorogue and even dissolve the National Assembly, but the Senate cannot be dissolved. He can send special messages to any of the Houses of the Parliament conveying his proposals regarding any bill and the House are bound to consider it. The President can thus influence legislation.

Approval of the Bills:

All the bills passed by the Parliament got to be approved by the President. After the passage of a bill in both Houses of the parliament, it is sent to the President for his assent. The President within 30 days shall either assent to the bill or send it back to the House of its origin for revision. In case both Houses of the Parliament again pass that bill in a joint session by a simple majority vote, the President is bound to give his approval. Hence, the supremacy of the Parliament has been recognized at least in legislation.

3. Judicial Powers:

The President shall appoint Chief Justice and other judges of the Supreme and High Courts but he has to consult the respective Provincial Governor while making appointment of the Judges of the High Court. The President is fully empowered to grant pardon, reprieve or clemency. Any action of the President regarding the use of his constitutional powers can not be challenged in any court.

Prime Minister

Prime Minister enjoys a very important position in the Cabinet and being an important advisor of the President, the whole administrative machinery revolves around him. He is, on the one hand, Chief of the administration and on the other hand, leader of the House.

As Head of the Cabinet

Prime Minister is the head of the Cabinet and in this capacity he supervises the working of different governmental departments and also coordinates their activities. He has final say in regard to the formation of the Cabinet, as he prepares a list of the ministers to be submitted for its approval by the President. He can ask any minister to resign and in all Cabinet meetings his opinion weighs heavily. He resolves all differences between his Cabinet members and maintains homogeneity.

As Leader of the House

Being the leader of the majority party in National Assembly, the Prime Minister is regarded as leader of the House. In this capacity he issues important statements regarding policy matters, he remains in close contact with the leader of the opposition to decide different matters relating to agenda and the business of the House. It is on the advice of the Prime Minister that the President normally summons, prorogues and is supposed to dissolve the National Assembly.

As a National Leader

Once appointed as Prime Minister, a person ceases to be a mere party leader, he rather becomes the leader of the nation. His speeches carry weight, ideas propagated and opinion held in esteem. Not only the national press but international press also gives full coverage to his view point. People highly honor his opinion on national issues and look at him for guidance. He enjoys a unique position to mould public opinion through his much publicized speeches.

Link between President and the Cabinet

The constitution requires that the Prime Minister should act as a link between the Cabinet and the President. As all the powers of federal government, legally speaking, are exercised in the name of the President, it is, therefore, duty of the Prime Minister to keep the President informed about all important policy matters. No doubt, every federal minister in charge of a portfolio, has direct access to the President, it is the Prime Minister who keeps direct links with the President.

The Parliament

In modern political systems, the legislative branch enjoys somewhat superior position over the other two branches of government, as it reflects the will of the political sovereign. In a parliamentary set-up the legislature is regarded as supreme law-making body on the one hand, and a repository of executive power on the other.

It was in the interest of the provinces to introduce bicameralism in which the upper chamber would represent the federating units on parity basis. Parity of representation in one chamber was thought to act as an important safeguard to preserve provincial autonomy. Another advantage of bicameralism is that the popular trends are let known after short intervals, as the election to both the chambers of Parliament are held at different times. In the form of Senate, a permanent Chamber has been provided in which complete change in its membership shall not take place, as half of its members are elected every three years. The quality of the membership of Senate is expected to be comparatively superior as most competent persons, who may not become members of the National Assembly, due to non-involvement in practical politics, can be elected to the upper chamber due to its limited electoral constituency. Hence, the nation can utilize the services of most talented persons.

National Assembly

Lower House of the Parliament is known as National Assembly. Duration of National Assembly is five years. Nevertheless, in the package of proposals, it was suggested to minimize its tenure. It is to be noted that in the recent past none of the assemblies had completed its normal duration with the exception of Assembly which worked in 2002-2007.

Powers of the National Assembly

1. Legislation

The National Assembly is fully authorized to legislate on all matters enumerated in federal and concurrent lists. It enjoys exclusive power to legislate on matters in respect of federal list, while Provincial Assemblies also enjoy powers to enact on concurrent affairs. Nevertheless, supremacy of National Assembly has been secured even in concurrent affairs as the laws of the Parliament shall prevail and provincial laws stand invalid in case of clash between both the laws.

2. Control over the Executive

The Prime Minister and all of his ministers are the members of either House of the Parliament. The whole Cabinet is accountable to the Parliament for all executive decrees, actions and policies that have been made by the President on the advice of the Prime Minister. The National Assembly can remove the Cabinet by passing a vote of no-confidence against it.

3. Financial Control

Modern legislatures exercise effective control over finance in a democratic system. The money bills originate in the lower House, in case of bicameral legislature and it exercises effective control in fiscal matters. Under the present constitutional system, National Assembly wields effective control over the purse of nation, as no amount can be spent without its sanction and no revenue collected without its authorization. The members of National Assembly exercise control

over fiscal policy by criticizing the estimates for raising funds and demands for grants.

4. Judicial Powers

Parliament is empowered to prescribe the number of judges of the Supreme Court hence it can bring changes in the organization of the court. It enjoys also a quasi-judicial power to impeach the President, and remove him from the office on the basis of gross misconduct or mental or physical unfitness.

5. Amendment in the Constitution

Parliament can amend the constitution. Accordingly, a bill aiming at amendment can be initiated in any one House of the Parliament, and after having been passed by both Houses it is sent for Presidential assent. Further, any proposal aiming at the alterations in the boundaries of any province got to be ratified by the Provincial Assembly concerned by two-thirds majority.

Miscellaneous Powers

To ventilate public grievances, is an important function of a modern legislature. The deputies draw the attention of the public officials to the problems faced by the people through asking questions or criticizing public policies. The members can effectively control the ministers in case the latter remain present on the floor of the Chamber.

The Parliament also acts as a useful training center in which the most competent parliamentarians can distinguish themselves by virtue of their performance. A member of higher intellectual caliber and political sagacity can easily demonstrate his capabilities on the floor of the House; and such distinguished members can be included in the Cabinet. Undoubtedly, the role of a Parliament in the success of democracy is of vital importance.

Speaker and Deputy Speaker

The newly elected National Assembly, in its very first session, shall elect a Speaker and a Deputy Speaker from amongst its members. Before assuming the duties, both shall take the oath of their respective offices. Deputy Speaker shall preside over the meetings of National Assembly during the absence of Speaker. In case the former is also absent, any other member, according to the rules of procedure of the House, shall perform Speaker's functions. Both, Speaker and Deputy Speaker, are not entitled to preside over the session in which a motion aiming at their removal is under consideration.

Functions:

1. The Speaker of the National Assembly presides over the meetings of the Assembly and is responsible for the maintenance of law and order in the House. While performing this function he enjoys enormous powers. He can issue warning to a member who defies the established rules, and even suspend the proceedings
2. He resolves the issues in the light of the usages on which there are no explicit rules. The Speaker also gives his rulings on point of order.
3. While presiding over the meetings, the Speaker effectively controls the deliberations. All the questions to be asked from the Ministers are to be addressed to the Speaker and the latter is fully authorized to reject any of these questions.
4. The members take part in the deliberations and take the floor on the permission by the Speaker. The latter can order for omission of unparliamentarily remarks from the proceedings. He can obstruct any member from using objectionable language in his speech.

5. The Speaker enjoys the executive power to select any of the amendments proposed by the members, for submission in the House. He is also fully authorized to reject or accept any of the motion.

The Senate

Senate has been formed for the first time under the present constitutional set-up, as the previous legislatures under both the defunct Constitutions of Islamic Republic of Pakistan were unicameral.

The formation of Senate has the definite advantage of ensuring effective representation of all the provinces in the central legislature to their fullest satisfaction due to the parity of representation. Both chambers may also act as a check on each other. As a matter of fact, concentration of all legislative authority in one House of legislature may lead to legislative autocracy. Thorough examination of a bill and more effective deliberation is possible during the legislative process on account of the presence of upper chamber. An issue can be exhaustively crystallized when it is examined by two different chambers. The senate shall also perform its traditional role, viz, revision of bills sent by the National Assembly and rendering its proposals.

Senate is a permanent Chamber which cannot be dissolved. Half of its members shall be replaced after every three years, after having completed their six years term. Complete change in the total membership, occurs at no stage; rather continuity in the membership is its novel feature.

Chairman and Deputy Chairman

Chairman and Deputy Chairman are elected by the Senate for three years from amongst its members. In the absence of both the office bearers, new one shall be elected. It is to be noted, that both are elected after every three years at the time of the reconstitution of the Senate. The functions and powers of the Chairman are similar to the ones performed by the Speaker of National Assembly. If the President of Pakistan is unable to perform his functions due to absence from the country or any other ground, Chairman of the Senate shall work as Acting President.

Powers of the Senate

In most of the federal states, legislatures are bicameral. The presence of an upper chamber has been regarded as an effective safeguard to protect the interests of the smaller federating units against the encroachment on their rights by the bigger ones. It is to be noted, that in a federation, the upper chamber is constituted normally on the basis of parity of representation.

1. Legislative Powers

According to the Eighth Amendment of the Constitution, both the Houses of Parliament have almost equal powers. Hence, bills can be initiated in any of the Houses with the exception of money bills which originate in National Assembly exclusively. In the original constitution, the bills relating to the first part of the federal list, could be introduced only in National Assembly but at present no such discrimination has been preserved in respect of ordinary legislation.

Consequently, Senate can legislate, with the co-operation of National Assembly, on any matter expressed in the federal or concurrent list.

2. Financial Legislation

The National Assembly enjoys monopoly in respect of fiscal legislation while the Senate has been deprived of direct role to this effect. All the money bills originate in National Assembly and it has the ultimate power over the fate of such bills. It is the function of the Speaker to declare a bill as money bill. Senators can exert indirect influence in shaping financial legislation by passing resolutions or through criticizing the policies of the government.

3. Control over the Executive

According to a constitutional requirement, at least one-fourths of the ministers are to be taken from the Senate. The ministers remain present in this Chamber and the Senators can ask questions concerning their respective portfolios.

4. Judicial Powers

The Senate, along with National Assembly, can legislate on all matters relating to the organization of judiciary. It also shares with National Assembly the power to impeach the President.

Conclusion:

In financial matters National Assembly still enjoys superior powers. It is laid down that after the passage of money bills in National Assembly, these shall be sent to the Senate for consideration. The Senate shall consider and review such bills within seven days. The approval of Senate regarding financial bills has not been made obligatory. Exhaustive deliberations on any bill are possible and its drawbacks frequently pointed out, as the fate of government is not involved in this Chamber.

Moreover, strict party discipline does not exist in this Chamber and the issues can be thrashed and examined in a free atmosphere over and above party affiliations. Permanence and continuity in its membership is another distinct feature. But for the success of parliamentary system

requires that it should not become rival of the popular chamber, it is rather expected to uphold political values of parliamentary democracy.

Constitution of India

The constitution of India is remarkable for certain unique features of its own. According to Sir B. L. Mitter, “Some of the distinctive features of the Constitution of India are: the disappearance of the princely order, sovereignty of the people, adult suffrage, joint electorate, the abolition of Privy Council’s jurisdiction and substitution of the Supreme Court in its place, the abolition of titles and un-touchability, civil equality irrespective of religion, enumeration of fundamental rights, directive principles of the State policy, the creation of the President and Cabinet System of Government and the establishment of a Secular State.”

Salient Features

1. Written, Lengthy and Detailed:

The Constitution of India is very elaborately written which makes it the most voluminous constitution in the world. It has been the endeavor of the framers of the constitution to provide for the solution of all problems of administration and governance of the country. Even those matters which are subject of conventions in other countries have been put down in black and white.

2. Rigid and Flexible:

The Indian constitution is partly rigid and partly flexible. The procedure laid down by the

constitution for its amendment is neither very easy, as in England nor very difficult as in United States. A constitutional amendment can be initiated in either House of the Parliament. It can be passed by an absolute majority of the total membership of each House voting separately and two-third majority of the members present and voting. But certain parts of the constitution can only be amended with subsequent ratification by legislation of at least half of the States.

3. Sovereign Democratic Republic:

The Preamble to the constitution declares India to be a Sovereign Socialist Secular Democratic Republic.

4. Partly Federal and Partly Unitary:

The constitution declares that India shall be a Union of States. It possesses double set of Governments. All the subjects of administration have been divided between the Union of Government and the State Governments. There are three lists:

- a) Union List which contains items of exclusive jurisdiction of Indian Parliament.
- b) State List which contains items of jurisdiction of State legislature.
- c) Concurrent List which contains such items upon which both the Parliament and State legislatures can make laws concurrently

Although the Indian state is federal in form yet it has so strong a Centre that some critics have called it Federal in form but unitary in spirit. The Powers of the Indian Parliament mentioned in the Union List are very wide. It can legislate even on the State List under certain circumstances.

5. Parliamentary System of Government:

The Constitution establishes Parliamentary type of Government both at the Center and the Units.

Though the President is elected indirectly and is the Head of the Executive of the Union, the real powers are vested in the Cabinet which is collectively responsible to the Lok Sabha. Similarly in the State, Governor is the head of the executive but real powers are exercised by the Council of Ministers which is responsible to the Legislative Assembly.

6. Single citizenship:

Although India has a Federal government yet double citizenship has not been provided. All the Indians irrespective of their domicile enjoy a single citizenship of India whereas in United States all the citizens enjoy the right of double citizenship.

7. Establishment of a Welfare State:

Though the constitution of India does not clearly commit itself to any specific economic theory, yet the Preamble of the constitution together with the Directive Principles of State Policy hint at the establishment of a socialist state in India.

8. Fundamental Rights:

The constitution of India also includes a separate chapter guaranteeing Fundamental Rights to all the citizens. These rights are justifiable and inviolable. They are binding on the legislature as well as on the executive. If any of the rights is violated, a citizen has the right to seek the protection of the judiciary.

9. Official Language:

In a country with diverse cultural traditions and languages, it is essential to declare some common language as the national language, symbolic of the unity of the different States in the country. The constitution declares Hindi in Devanagri script as the official language of the country.

10. Compromise between Judicial Supremacy and Parliamentary Sovereignty:

The constitution of India is a refined blending of Judicial Supremacy and Parliamentary Sovereignty. The Indian constitution strikes a golden mean by avoiding Judicial Supremacy of the American type and Parliamentary Sovereignty of the British type. The constitution provides that the Supreme Court of India can declare an Act of Parliament or State Legislature null and void only if it contravenes a specific provision of the constitution or Fundamental Rights of the people etc. the Supreme Court does not have any power of Judicial review and cannot stand in judgment over the Sovereignty will of the Parliament representing the will of the entire community.

11. Accumulation of borrowed Wisdom of the World:

The constitution makers borrowed suitable and tried Principles of other constitutions of the World. They did not want to produce as original or unique Constitution, what they wanted was a good and workable constitution. Thus Parliamentary type of government has been adopted from England. The Supreme Court and chapter on Fundamental Rights show the clear influence of constitution of United States of America. From Irish State, came the inspiration of the Directive Principles of State Policy. The Federation of India is set on the pattern of Canada where residuary powers are bestowed on the center.

Indian President

“Indian President enjoys no powers but he can exercise a lot of influence” (Jawahar Lal Nehru)

The Indian President is the head of State. He is the chief executive head of the Union Government. The constitution confers extensive powers on the President of the Indian Republic.

1. Executive Powers:

President is head of Indian Union. All executive action is taken in his name. he is the supreme commander of the Defence Forces of the Union. He has the power to take any military action in case of danger in anticipation of its subsequent approval by Parliament. He makes all important appointments such as Governors of the States, ambassadors and other diplomatic representatives, Chief Justice and Judges of the Supreme Court and of the High Courts etc. He also makes appointment of the Prime Minister and on his advice, of other Ministers of the Union Government.

2. Legislative Powers:

The President enjoys extensive powers in the legislative field. The Union legislature consists of President and the two Houses of Parliament. The President is thus an integral part of Parliament. He summons, adjourns and prorogues both the Houses of Parliament and dissolves the Lok Sabha on the advice of the Prime Minister. All Bills passed by Parliament receive his assent before becoming laws. He may withhold his assent from all Bills other than money Bills. The President may issue ordinances at any time, when Parliament is not in session. Such ordinances have the same force as an Act of Parliament. An ordinance issued by the President must be placed before parliament as soon as it meets. It ceases to operate six weeks after the re-assembly of Parliament unless it is approved by the House in the meantime.

3. Financial Powers:

The President enjoys several financial powers. Before the beginning of financial year, he causes to be laid before Parliament the annual budget and the supplementary budget, if any. No Money Bill can be introduced in Parliament without his prior recommendation.

4. Judicial Powers:

The President enjoys the power to grant pardon, reprieve or remission of punishment to any convict, particularly in all cases involving punishment with death. He appoints judges of the

High Courts and Supreme Court and thus enjoys a great judicial patronage. He makes their appointments with the consultation of such judges of Supreme and High Courts as he may deem fit to consult.

5. Legal Immunities:

The President enjoys certain legal immunities. He is not answerable to any court of law for the exercise and performance of the powers and duties of his office. No criminal action can be taken against him in any court in India during the term of his office.

6. Emergency Powers:

The President has been given wide powers to meet emergencies. The Constitution envisages three kinds of emergencies:

- a) Emergency arising out of war, external aggression or armed rebellion.
- b) Emergency arising out of the failure of the constitutional machinery in the States.
- c) Emergency arising out of the threat to financial stability or credit of India.

7. President and the Cabinet:

The Constitution provides that “there shall be a Council of Ministers with the Prime Minister at the head to aid and advice the President in the exercise of his functions.” The number of Ministers has not been fixed by the Constitution as it may change from time to time according to requirements. The Prime Minister is appointed by the President and other Ministers are appointed by the latter on the advice of the former. The Ministers hold office during the pleasure of the President. The constitution does not bind the President to follow the advice tendered by the Council of Ministers.

In the opinion of Dr. K. V. Rao, “the survey of the powers of the President clearly shows that our constitution creates a very powerful executive, perhaps the most powerful in the world. With his powers regarding issuing of ordinances, declaration of emergency, suspension of autonomy of the States, suspension of fundamental rights, this statement is more than justified.”

Indian Federation

India has a vast territory with a great diversity of race, religion and language. Such a big country cannot do without a federal form of government. The Framers of the Indian Constitution were convinced of the importance and necessity of a federal polity for India. The inclusion of the former princely states in the new set-up made it all the more imperative to frame the constitution of India on federal lines since the princely states would not have agreed to join the rest of India if it were a unitary State. All these factors contributed to the ideal of having a federation for India since a federation provides unity at the center and allows autonomy in local and cultural matters.

Some features of Indian Federation are:

1. Division of Powers:

The Constitution of India declares India to be a Union of States. The Constitution draws up three lists of subjects i-e the Union List, State List and Concurrent List. The center is competent to administer all the subjects contained in the Union List. The States are authorized to deal with the subjects placed in the State List. The concurrent subjects are under the joint jurisdiction of both the center and states.

2. Supremacy of the Constitution:

The constitution is the supreme law of the land. Both the Union government and the State governments derive their authority directly from the constitution and no authority in India can go against the constitution. The Judiciary in India has the authority to declare null and void any law

or executive order that might go against any provision of the constitution.

3. Written constitution:

The constitution in a federation is considered to be a sacred agreement on the basis of which states agree to form a Union. It is essential that the constitution of a federation must be a written document containing all the provisions governing the relations between the federal center and the federating states.

4. Special Judiciary:

India possesses a Supreme Court which acts as a guardian and interpreter of the Constitution. The existence of a Supreme Court with special powers is always essential for a federation.

5. Dual Polity:

The Indian constitution establishes a dual polity with a double set of governments i-e Central government and State governments. The sphere of authority of each part is clearly defined in the constitution.

Unitary Biasness

The foregoing account of the federal aspect of Indian constitution proves beyond doubt that India has got a federal form of government. But the Indian federation is a class by itself. It has certain special features which make the centre strong against the federating units.

a) Single Citizenship:

In a federation like that of America, each citizen enjoys double citizenship, citizenship of the state where in one is domiciled and citizenship of the federation as a whole. But the Republican Constitution of India establishes a dual polity with a single citizenship. This means that constitutionally all Indians are labeled as Indian alone, not as Punjabis, Bengalis, Beharis etc.

b) Excessive authority of the Center:

A weak Central Government is the essence of federalism. But our constitution has created a very strong constitution. The powers are distributed between the Union and the States in such a way as to make the Center very powerful.

c) Residuary Powers:

In a federation like that of America, the residuary powers are enjoyed by the states but in the Indian federation, the residuary powers are vested in Parliament. This tends to increase the powers of the Center.

d) Emergency Powers of the Center:

The strength of the center can be immensely increased during the times of war and other national emergencies. Under such contingencies, the President of the Indian Union can assume extraordinary powers which may amount to suspension of the autonomy of the States.

e) Flexibility of the Constitution:

The Indian federal system is not so rigid as is the case with most other federations of the world. The method of amending the Constitution is rather simple. Major part of the constitution can be amended by the Union Parliament itself without the approval of the State Legislatures. This fact also emphasizes the strength of the Center.

f) Inequality of Representation:

In the Swiss and American federations, the upper chamber generally secures an equality of representation to federating units irrespective of their size and population. The lower chamber is supposed to represent the national interest and the upper chamber represents the local interests of the states. In the Indian Union, however, the principle of equality of representation of the units in

the upper chamber has not been followed as the states are represented in the Rajya Sabha on the basis of their populations. This fact again proves the inherent unitary nature of Indian Polity.

g) Single Judiciary and Uniform System of Civil and Criminal Law:

The Constitution provides for a single integrated judicial system for the whole country. The Supreme Court and the High Court are links in the same chain. There is also a single Civil and Criminal Code for the entire country. This fact is clearly indicative of the unitary character of Constitution.

Conclusion:

All the factors mentioned above show that the Indian Constitution is federal in form but unitary in spirit. It has made the Union very strong at the expense of the States. Dr. K. P. Mukherjee was of the view that the “Union of India does not satisfy any one of the conditions enshrined in the federal principles. On the contrary, Indian constitution in its first four chapters makes it amply clear that it is a unitary constitution and whatever categorization of the units of the Union and distribution of power between the Center and States has been done is all for the sake of administrative convenience and these may be withdrawn at any time.”

Chinese Constitution

“Mao led one of the greatest political movements of history, an effort to use doctrine and new organizational forms to reshape, mobilize and modernize the immense Chinese nations. Where there had been chaos, his movement brought order and unity. It restored the national image, making China respected militarily and politically. It eliminated much of the dire poverty and hunger that had beset the old China.” (Robert Wesson)

People’s Republic of China stands distinct amongst those countries, which made tremendous

progress after independence within a short period of time. The Chinese tackled most of their problems very successfully and emerged as a big power. People's Republic of China came into being in 1949, after putting up a long and valiant struggle full of hardships, on the basis of Socialist Revolution. The country had to pass through a state of civil war for decades together. The adversaries were the Communists and the Nationalists, whose rivalries added to the miseries of the society.

In the new polity, the leadership of the Communist Party started working for the establishment of an ideal Socialist order with full missionary zeal while uprooting the old traditions and remnants of the socio-political and cultural past. They achieved their target to a considerable extent.

Constitutional History:

The constitution of 1954 of People's Republic of China was the first constitution of Socialistic nature. After its implementation many deep changes took place in political, economic and cultural walks of life apart from varied nature of external environments on the global scene, thereby ranking certain parts of the constitution as obsolete. Then in 1975 new constitution was adopted. It was in the nature of an advanced step of the previous constitution and regarded rather its continuity. Much advancement took place and targets met after the implementation of 1st and 2nd constitutions of People's Republic of China. So again a new constitution was framed by National People's Congress on 5th March 1978.

After the death of Mao Zedong in 1976, Deng Xiao Peng emerged as the supreme leader. He immediately announced that his priority was to modernize China. To cope up with the new political developments effectively, a committee was formed in 1982 under Zeng Zon to undertake the revision of the constitution. Eventually the committee announced that drafting of a new constitution was indispensable in the face of important changes of historical significance. The new constitution was approved in December 1982, by 5th National People's Congress.

Salient Features of Constitution

1. Preamble:

The new constitution like the previous documents signifies and eulogizes the memorable sacrifices and unparalleled services rendered by the Communist leadership for the attainment of independence and bringing Socialist Revolution. The paramount position of Marxism, Leninism and Mao's teachings has been acknowledged in relation to ideological goals of the political system. Traditional principle of Democratic Centralism has also been given due place within the Constitutional setup. The old definition of China as a "Dictatorship of the Proletariat" has been replaced with "People's Democratic Dictatorship."

The Preamble clearly recognizes Taiwan as the integral part of China and its liberation is declared as a liability of Chinese People. Five points have been set as the underlying principles to be observed in the field of foreign relations. These include:

- a) Respect and Preservation of the territorial integrity of all nations
- b) Avoidance of aggression
- c) Non-interference in the internal affairs of other countries
- d) Promotion of international cooperation
- e) Peaceful coexistence

2. Nature of Constitution:

Constitution of 1982 is a brief document comprising only few chapters. It has closer affinity in letter and spirit, with the constitution of the former Soviet Union. It is neither too rigid nor too flexible.

3. Basic Principles:

Under the constitution, People's Republic of China is a Socialist State established in the name of

People's Democratic dictatorship, whereas Communist Party performs the leadership role to guide the people. People are declared as fountain of power and authority and they will exercise it through National People's Congress.

4. Economic System:

The constitution signifies two kinds of property, socialist property of the people and the other form is collective ownership of the workers. The assets created through individual earnings within the orbit of law, are also declared legal. All socio-cultural activities, according to a constitutional requirement, are supposed to be subservient to Socialistic values, as interpreted by the teachings of Marx, Lenin and Mao.

5. Unitary System:

Most of the countries in the contemporary world have federal system, as this system has full potential to maintain a suitable balance between centralism and regionalism. Former Soviet Union had the same system but unitary system prevails in People's Republic of China within the constitutional framework. A strong central government exists while regional governments, as distinct entities, have not been created under the constitution. In order to encourage people's participation in public policy-making and preserve their interest in public affairs, decentralization has been introduced in the governmental affairs. The central government has delegated much authority and powers to the regional and local administrative units.

6. Democratic Centralism:

Like the political system of former Soviet Union, the principle of "Democratic Centralism" prevails in People's Republic of China as well. Keeping in view democratic norms, elective principle has been introduced at all levels not only within the governmental institutions but also within the Party organization. All the citizens have been secured the right to vote on the basis of adult suffrage.

7. One Party System:

Communist party enjoys almost dictatorial powers within the constitutional framework and has been regarded as the sole source of political authority for all practical purposes. Party organization runs parallel to that of the governmental institutions. Party elite holds all top-notch positions in the government. In practice, no other political party enjoys real freedom to act. Certain youth organizations, loyal to the party and working groups affiliated with the Party, enjoy the right to participate in decision-making.

8. Legislative Branch:

National People's Congress holds important position as law-making body. Its sphere of activity is not restricted to the aforesaid fields only; it also elects the members of various government departments. State Council, which stands as the most superior administrative institution, is accountable to the Congress. The appointment of the President of the Republic and that of the Vice President is on the discretion of the Congress.

Congress consists of one chamber and unlike its Western counterpart; it does not enjoy the status of a powerful law-making body. The real function of the Congress is to transform the aspirations of the Party leadership into law. Importance of the Congress lies in the fact that most of the important members of the Chinese Communist Party are also the members of the Congress.

9. Nature of the Executive:

Under the constitution, State Council is the chief executive organ of the government. It is headed over by the Prime Minister and all its members are elected by the Congress and accountable to it. Enforcement of law, formation and execution of the administrative policy is the major function of the council. The members of the State Council introduce the bills on the floor of the Congress in the form of proposals and later manage to get these translated into law on parliamentary lines. The Premier performs very important role as head of the administration and holds pivotal position within the administrative set up.

President of the Republic is regarded as head of the state who is elected by the Congress for a period of five years. The President enjoys the most prestigious position in the administrative setup. The respective role to be performed by both the office holders depends on personal caliber and contemporary political scene. The constitution does not throw much light on this issue.

10. Nature of the Judiciary:

Peculiar type of judicial system operates in China. Chinese law never been codified in a systematic form. Most of the disputes and controversies are settled in quasi-judicial institutions. Chinese juridical system has been held together more by the conventions rather than by the laws.

11. Rights and Obligations:

Articles 33 and 56 of the constitution prescribe basic rights and duties of the citizens. All citizens at least of 18 years of age are secured right to vote and they enjoy also the right to contest the elections. Right to secrecy of all correspondence, freedom of expression, freedom to join or form association, and right to hold public meetings even to the extent of staging demonstration or resort to strike for articulation of demands, have been secured under the constitution. Moreover, all the citizens have right to religion.

According to the constitution, the government is under obligation to afford full protection to the preservation of family life in addition to the integrity of a person. All citizens have the right to personal security against illegal detention. The constitution also recognizes equal right of all citizens to education and cultural freedom. Equality of men and women has also been recognized in all areas of life.

Obligations:

Chinese constitution prescribes explicitly certain duties of the citizens along with rights. It is the first and foremost obligation on the citizens to cooperate with the Socialist leadership in every

respect, abide by the constitution and all other state laws. They are required to protect public property and extend a helping hand in the maintenance of law and order. To defend the country against foreign aggression is also another duty of the citizens and for that purpose everyone is required to join the army or Malatia, as the law demands.

12. Nature of the Elections:

The Communist Party has been given legal recognition as the repository of political leadership in the political system. In the past only such candidates were considered eligible to contest the election to various political offices, as had staunch faith in the teachings of Marx in addition to having been nominated by the Party as well. But after the liberalization policies adopted by Deng Xiao Peng, certain other parties are also allowed to put their candidates in the contest. Only such parties and organizations are allowed to nominate their candidate as are recognized by the Chinese Communist Party. All the citizens at least 18 years of age are enfranchised on the principle of adult suffrage. The voters are duly bound to cast their votes.

“The nature of our State as a People’s Democratic Dictatorship determines that in China, it is the people and the people alone who are the masters of the state and society.” (Pengzhen)

National People’s Congress

National People’s Congress is regarded as the superior most institution and as the repository of the governmental authority. It has been declared as an organ through which the people exercise state power. Therefore, the People’s Congress System is China’s fundamental political system. Congressmen are elected by regional Congresses, by autonomous regions, by Municipalities working under the central government and by People’s Liberation Army, each according to its quota. The mode of election is based on secret ballot while the constitution guarantees holding of free and fair elections.

Duration:

The Congressmen are elected for a period of five years but the Congress can be dissolved before the expiry of its term and it can be extended as well. The Standing Committee of the Congress is responsible to make proper arrangements for holding fresh elections prior to the completion of its term.

Sessions:

Sessions of the Congress is held once a year in Beijing. Standing Committee of the Congress normally summons its session. In addition to it, the Chairman of the Congress can also summon the session on the request of one fifths of its members.

Powers:

National People's Congress is the supreme law-making body, which is fully authorized to enact laws, alter or repeal the existing ones. It also approves the administrative policy for the state. Another most important power lies in its choice of government officials.

1. Enactment of Laws:

During its sessions, the Congress enacts new laws and makes necessary alterations in the existing ones, if circumstances so demand. Constitution can be amended with the support of two-thirds majority of the members of the Congress whereas ordinary laws are enacted by simple majority. It is to be noted, that the acts of the Congress cannot be challenged in the Supreme Court.

2. Executive Powers:

National People's Congress is also empowered under the constitution, to supervise the execution of constitutional laws and the statutes. It can affect and control administrative policies through its choice regarding the appointment of superior public officials. All the administrative departments

along with their incharge ministers are accountable to the Congress in respect of performing their official functions. Congress also exercises the power to approve National Economic Policy and the annual budget. Congress is fully authorized under the constitution to exercise all such powers as it thinks expedient and necessary within its sphere of action.

3. Elective functions:

Congress holds a pivotal position within governmental structure by virtue of its power to elect the top-notch occupants of the governmental authority. Under the new constitution, it also elects the President and Vice President of the Republic and appoints Premier of the State Council on the recommendation of the President. On the advice of the Prime Minister, it also appoints other ministers. Congress is also empowered to remove the ministers. It also exercises the power to appoint or remove the President of the Supreme Court and Chief Procurator of the Supreme Procuracy.

Role Analysis:

Though the People's Congress is constitutionally fully authorized to exercise all the foregoing powers, in practice it is not an active body. Rather its position, considering from democratic view-point, as a free law-making body is merely in theory. Its major reason lies in the fact that rarely its sessions are held on regular basis. It meets in session once a year, that too continues for not more than few days. The deputies do not find sufficient time to participate effectively in deliberations due to excessive load of work. The powers of Congress are virtually exercised by its Standing Committee during much time of the year.

Standing Committee

The Standing Committee of the Congress is an effective and active body, as it exercises, in practice, most of the congressional powers. It is outwardly a subordinate body to the Congress, as a matter of principle. It is accountable to the parent body and is bound to present regularly reports of its working. All the members of the Committee are elected by the Congress and liable to be removed on its discretion.

Chairman:

Chairman of the Committee has been regarded as the most powerful person in the political setup. He presides over the meetings of the Standing Committee. Quite recently he was also endowed with the power to issue decrees and promulgate ordinances. To receive the diplomatic envoys of other countries, ratification of the treaties made with other countries and the appointment of the members of diplomatic corps assigned to other countries, these all were included in the list of his duties. He is also regarded as the fountain of honor.

Powers:

1. The Committee summons the sessions of the Congress in addition to the issuance of the orders to hold its fresh elections.
2. It performs the function of interpreting the statutes as well as the laws of the constitution. The performance of this judicial type of function enhances its importance and the scope of power.
3. To supervise the functioning of State Council, of superior courts and that of Procurator has been assigned to the Standing Committee by the Constitution.
4. The Committee has the authority to alter or repeal any inappropriate decision of the official departments, of the autonomous regions, provinces and that of the Municipalities working under the Central government.
5. Standing Committee of National People's Congress is actually the repository of real powers

during the interval the Congress is out of session. During this period it wields the authority to issue orders regarding the appointment of new ministers and removal of the previous ones, on the advice of the Premier. It can issue orders for the appointment or removal of the Vice President of the court and that of the Deputy Chief Procurator.

Other Committees:

The People's Congress forms during its term number of Committees such as National Committee on fiscal and economic affairs, Committee on education, science, culture and health issues, Committee on foreign affairs, Committee on matters relating to Chinese settled abroad. All these committees work under the supervision of the Standing Committee of National People's Congress during the period the latter is not in session.

Conclusion:

Keeping in view the aforesaid functions and powers of Standing Committee, it is apparent that it is a powerful and effective body. As the Congressional annual session lasts to few days only, its powers are virtually exercised by the Standing Committee for the remaining period the parent body is not in session. The Committee's members, being the members of the Chinese Communist Party, also performs important role in administrative affairs as well.

Communist Party

Chinese Communist Party came into being in 1921. Lenin sent one representative to China to assist in organizing the newly established party. Cheng Tu-hisu was appointed as the first Secretary General of the Chinese Communist Party and within a short period many branches of the Party were established in the cities and the towns.

Ideological Foundations:

Ideology of Chinese Communist Party had been shaped by the teachings of Marx and Lenin right from its inception. It developed deep linkage with the global Communist Movement at its early phase. Mao performed pivotal role in the whole socialist struggle of the Chinese People. As a result, his precepts and thinking was held in esteem by the Chinese Communists. Certain distinct and peculiar features of Chinese Communism gradually developed under the impact of Mao's approach.

Mao fully devoted himself and adopted certain revolutionary steps to educate the party workers and thereby put a new zeal, enthusiasm and homogeneity in their lines. In addition, he made all efforts to eliminate diversities in all nationalities so as to foster national integration. It was further putting all efforts on these lines that he waged armed struggle.

The Post Revolutionary Phase of Cultural Revolution (1966-76) is known as a period full of turmoil and turbulence as the country had to undergo through many crisis. Many important office bearers of the Party were forced to quit the first rank leadership so much that even the top leaders like Deng Xiao Peng were expelled twice from the government and the Party. Even the expected successors of Mao were also maltreated. But after the death of Mao, his widow and some of his old companions became the targets of governmental vengeance. Deep and profound changes took place in the composition of the party leadership as well as in the party policies.

Party Organization:

Chinese Communist Party has been organized on a wider scale and it lays too much stress on the maintenance of strict discipline, education and training of the members. The candidate aspiring for membership has to undergo a long process, full of trials and hardships. His loyalty to the party and potential is fully tested during the training period. any Chinese citizen at least 18 years of age, is qualified to apply for acquiring party membership subject to the condition that he is willing to abide by the provisions of the Party Constitution, observe disciplinary rules, assist in the execution of the Party decisions and pay party funds etc.

Democratic Centralism:

Democratic Centralism operates as an important principle within the party organization. Accordingly all office bearers of the Party are elected. Primary unit of the Party elects District Congress while District Congress elects the deputies of the Congress of the upper level. Party members enjoy right to criticize party leadership and many initiate proposals for framing party policies. On the same pattern, primary party branches may lodge complaints for the consideration of higher leadership. On the other hand, strict party discipline is maintained and strong centralism operates in the decision-making process. To abide by the decisions of the leadership of higher party ranks, is obligatory on the lower party branches and in practice most of the decisions are thrust from the higher party leadership within the central leadership, normally one person enjoys the pre-dominant position.

Politburo:

The Politburo has been regarded as the most powerful body in the decision-making process as it makes all important decisions; so much that it summons the sessions of the Central Committee. It also has a standing committee consisting of seven members. Like its counterpart within the government, the Standing Committee of the Politburo exercises all the powers of Central Committee during the period the latter is not in session.

National Party Congress:

National Party Congress holds a pivotal position in the policy-making of the Party. Members of the Congress numbering in thousands with no fixed size are elected by the respective regional and local party congresses for a period of five years.

Central Committee:

The Congress holds its sessions once a year which extends to few days only. The Central Executive Committee, comprising limited membership exercises the power of the Congress during the interval the latter is not in session. The powers of the Central Executive Committee

are also exercised in practice, by its Politburo as the former rarely holds its meetings. The Central Committee elects the members of its Politburo, as well as its Chairman and Vice Chairman.

Other Parties and Groups:

Single party system, on the lines of Soviet Union, has not been adopted in People's Republic of China, rather such smaller parties, as Kumintang Revolutionary Committee, Democratic League, National Construction Association and various Youth Organizations are allowed to function. Hence China is a multi-national and multi-party country. In China, the term democratic parties refer to the eight other parties apart from the Chinese Communist Party. These have developed cooperation with Chinese Communist Party on different levels since the inception of the new order.

Conclusion:

Communist Party enjoys political monopoly in China while other parties have merely de jure existence. Party Organization runs parallel to that of the government. A person holding important position as public official is also assigned office within the Party. The Central leadership of the Party is mainly responsible for chalking out governmental policies. The importance of any government department can't be assessed keeping in view merely its legal status rather its role within the Party meters.

Reforms of Ataturk (Kamalism)

Historical Background:

Turkey remained citadel of the grandeur of the Ottoman Empire for many centuries in the past. Its pristine hegemony declined gradually especially during nineteenth century. Western imperialism through intrigues and diplomatic techniques infused disruption in the Muslim

Ummah with the object to destabilize and annex Muslim territories. The secular and the anti-Islamic elements got organized under the banner of Arab Nationalism in pursuance of their own goals.

During World War I, Turkey was an ally of Germany. Its territorial integrity got setback as a result of defeat in the World War. Consequently, it lost not only its dependencies in the Middle East, but was deprived of certain purely Turkish territories at the hands of the western nations. Some of these parts of Turkey were liberated by the Turkish forces under the command of Kemal Ataturk. He became the national hero and got developed the cult of his personality. Imprints of his thinking later dominated and shaped the socio-political life of modern Turkey.

Ataturk introduced multi-dimensional changes in all spheres of life for the purpose of national reconstruction and development. These reforms aimed not only at the material advancement but focused at the nourishment of progressive thinking and inculcation of new secular values as well. He was deady opposed to the adoption of conventional life style which reflected religious thinking. Consequently, Ataturk initiated anti-religious policies in order to uproot the conventional attitudes and stagnation. An important step in this direction was the shifting of the capital from Istanbul to Ankara.

Ataturk was elected by the Grand National Assembly as head of the state and invested with absolute powers. He pronounced the following principles as the basis of the new order: Republicanism, Secularism, Turkish Nationalism, Revolutionary reforms and ascendancy of the popular will. He introduced various reforms in pursuance of these declared objectives.

1. Secularization:

Anti-religious activities were encouraged during the Secularization of the society while whole process of revolutionary changes under official patronage, explicitly manifested anti-religious trends. Turkey was declared a secular state and Islam discarded as state religion in 1928. The long-standing traditional institution of “Khilafat” was also abolished which symbolized the unity of Muslim Ummah. The last Ottoman Caliph was put in exile and on 3rd March 1924, the

abolition of Caliphate was approved by the Turkish Grand Assembly. Sunday was replaced by Friday as weekly holiday; all religious institutions and Madaras were deprived of official patronage and denied financial grants.

Arabic script got substituted by Latin One in 1928 while many constraints were put on the promotion and publication of Arabic literature. It is to be noted that the Constitution of 1945 was written in Latin Language. The so-called progressive elite and self-styled intellectuals attributed all ills of the contemporary Turkish society and the miseries confronted by the people to religious past of Turkey.

2. Changes in Legal System:

In his drive for Europeanization of the society, Ataturk abolished the whole system of Shariat Courts and replaced Shariat laws with European code. Civil law of Switzerland was adopted and given name as Turkish civil code, replacing Muslim law of inheritance, family laws and other aspects of personal law. The Criminal Law of Italy and Commercial Law of Germany were assimilated in the respective codes of Turkish Law. The principle of “Rule of Law” borrowed from British Legal System, however, ensured to some extent, the protection of fundamental rights.

3. Direction of Social Change:

The cultural patterns and lifestyle of the Turkish Society was remodeled. Women folk were ensured equal rights in all walks of life with men and their active participation in public life encouraged. They were recruited in civil services on large scale. They were required to wear Western dress and discard “Burqa”. Polygamy was disallowed. The wearing of traditional dress by Turkish men was discouraged and many constraints were put on it. They were not allowed to wear Turkish cap. All the government servants were ordered to wear European dress along with hat. European calendar replaced “Qamri” calendar. During this drive for secularism and modernism, Ataturk was fully supported by the military while the secular elements and so-called progressive intelligentsia also sided with the regime.

4. Economic Development:

Economic system, under “Malukiat”, of course, remained stagnant, hence resulting in unfair distribution of wealth and economic backwardness. None of the positive steps could be taken in the field of trade and industry whereas the contemporary Western civilization had made tremendous advancements in the field of science and technology. Ataturk paid special attention to the issue of economic uplift of the society and introduced reforms in industry and agriculture. A comprehensive economic planning was launched aiming at the improvement in the commercial and agricultural output. Mineral resources were exploited and divergent schemes, attracting investments in industry floated. Certain big industries were put under state ownership. Barter system was encouraged as a principle in respect of extending trade links with other nations.

5. Administrative Reforms:

State administration was remodeled on modern lines and central governmental control made more effective. For administrative convenience, the whole territory was divided into new provinces, districts and in other small administrative units. The role of civil-military bureaucracy was imperative in promoting administrative output. Nevertheless, bureaucratic elite adopted European life style with full orientation to Western values and became allergic of oriental values. This class vehemently executed all reforms in letter and spirit with a missionary zeal.

6. Changes in Political System:

Ataturk paid much attention to the promotion of national solidarity, attainment of political stability and adopted a policy of administrative centralism. In foreign affairs, he acted on the principle of Peaceful Coexistence and the promotion of good relations with other countries. His main concern was the promotion of internal peace and advancement in all directions. Turkey under Ataturk, strengthened ties of friendship even with those Western European countries who has been its enemies during World War I. the same policy was adopted in promoting cordial

relations with countries of Eastern Europe.

Political system remained autocratic under Ataturk as he ruled arbitrarily. The opponents were crushed and their political activities banned. Religious elements, specifically became the target of brutality of the ruling Junta, as they were deprived even of their fundamental rights. Anti Islamic policies were enforced in the guise of secularism. They consciously obstructed the way of all such efforts as indicated policy of revulsion to religious past.

Turkish Constitution

The intention of the Framers of the constitution was to ensure political stability and promotion of domestic tranquility and for this purpose they envisaged a quasi democratic structure that would suit to the needs of Turkish society. Hence people's expectations and requirements of stable order are judiciously integrated within the framework of the constitution. Parliamentary system has been reinforced under a strong Presidency. Multiple party system has been allowed under the constitution, and constitutional protection provided to public liberties.

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Salient Features

Preamble:

The constitution of 1982 is a lengthy document comprising 177 articles divided into seven chapters. According to the Preamble, this document truly manifests the aspirants of the Turkish nation and the values and beliefs based on Kamalate culture legacy. Turkey has been declared a modern secular polity in which religious beliefs have nothing to do with politics. The constitution ensures the protection of fundamental rights to all without any discrimination, while

Turkish language has been declared as official language.

1. Supremacy of the Constitution:

The constitution recognizes the sovereignty of the popular will which finds its exposition through established institutions. The constitution stands paramount and it ensures national independence, its solidarity, democracy, peace and tranquility.

2. Amendment in the Constitution:

The constitution is partly flexible and partly rigid in the sense that different procedure is required for constitutional amendment, than the one adopted for alterations in statutes. The Grand National Assembly is authorized to initiate proposals for amending the constitution with the support of its one third members and can be ratified by two thirds majority. It is worth pointing out that the reforms introduced by Ataturk, which are regarded as the ideological and cultural legacy of the Founder, are exempt from alterations. Some of these are, for instance secular educational system, wearing of hat by men, banning “Derveish Madaras” the presence of state officials at wedding ceremony, preservation of Turkish manuscript, prohibition of the use of such titles as Afandi, Pasha etc.

3. Balanced Separation of Powers:

The constitution stands paramount hence it is the source of all authority. Grand National Assembly is the supreme legislative organ while executive powers belong to the President and the Council of Ministers. The President controls on the one hand, the Council of Ministers and holds, somewhat superior position over the Prime Minister. He can exercise even such administrative powers in collaboration with the Cabinet, as are normally exercised exclusively by the Cabinet within a parliamentary form of government. The President also plays vital role even in legislation. He can not only block the way of legislation rather is authorized to dissolve the National Assembly.

All judicial powers are assigned to the courts established within the constitutional framework. A comprehensive and well-knit distinct system comprising military and administrative courts operate side by side with the normal state courts. Hence a balance has been maintained between the requirements of traditional parliamentary patterns and the features of autocratic military rule.

4. Parliamentary System:

The system of government in one sense can be termed parliamentary as the Prime Minister and other ministers are taken from the National Assembly and are held accountable to it and to the President. The latter is fully authorized to remove any of the ministers. The Cabinet is collectively accountable to the National Assembly.

5. Unicameral Legislature:

Turkish Grand National Assembly has been an inalienable part of its political legacy. It was on the basis of its religious decree (Ijma) that Atatürk had pronounced the abolition of "Khilafat". Its central and pivotal position has been preserved within the present constitutional setup as well. National Assembly is elected for a period of five years, which can be extended or minimized under extraordinary circumstances. Apart from its position as the supreme law-making body it is vested with the power to control the executive, as most of the ministers are its members. The Assembly also ratifies the treaties made with foreign governments.

6. Judicial System:

The constitution ensures the independence of courts and the judges are given security of service in addition to many other privileges. Proper safeguards have been provided to preserve the integrity and dignity of judges. The courts exercise the power of judicial review over all actions of the administration.

7. Rights and obligations:

A list of fundamental rights has been incorporated in the 2nd part of the constitution. The underlying philosophy of fundamental rights has been made subservient to the requirements of justice, fair play and secular ideology of Turkey. The enforcement of fundamental rights can be suspended partially or completely, as the circumstances so demand, during a period of emergency, mobilization, war or Martial Law. Some of the important fundamental rights are: right to life, personal security, security against servitude, right to privacy, freedom of movement, freedom of expression, freedom of conscience and press, right to form associations, hold public meetings, organize demonstrations within the limits of law, right to private ownership, right to earn one's livelihood etc.

8. Right to form Political Parties:

The constitution recognizes the right of all citizens of 21 years or above to form political parties and join or leave their membership. Nevertheless, only such political parties can be formed as pledge to adhere to secular ideology and promote national solidarity. Formation of a new political party is subject to the permission granted within the limits of law. Parties are required to observe rules and norms provided in the Political Parties Act, hence no party can be formed on the basis of religion. Every political party is registered entity which is not permitted to give financial help nor receive from any trade union or interest group. The constitutional court is fully competent to make decision regarding banning any political party.

9. Proclamation of Emergency:

Under the circumstances of acute political unrest or economic disruption, emergency may be proclaimed in any part or in the whole of the country. The Council of Ministers can make as announcement to this effect. Such Proclamation shall be valid for a period not exceeding six months.

10. Imposition of Martial Law:

To incorporate provisions regarding the possibility of imposing Martial Law within democratic

constitutional framework is a peculiar feature. Turkish constitution provides that under extraordinary circumstances beyond the control of the civil government, Martial Law may be imposed. Hence the President in the Council of Ministers can announce this step for the whole of the country or any part thereof for a period not exceeding six months. Such a pronouncement is required to be submitted before the National Assembly for its approval and in case it is not in session, special session shall be convened. The latter is fully competent to make alterations in the period of its enforcement or repeal it.

Grand National Assembly

Grand National Assembly holds a pivotal position in the working of the Turkish political system. It is organized on the established norms of a parliamentary setup and enjoys the position of a supreme law making body on the one hand, while performs the function of controlling the executive authority on the other. It elects the persons for top positions such as the President, Prime Minister and other ministers.

Composition:

Grand National Assembly is a unicameral legislature consisting of 550 members. All members are directly elected by the people by secret ballot on the basis of adult suffrage.

Duration:

Duration of Grand National Assembly is five years subject to alteration under extra ordinary conditions. It will, however, be four years after the next parliamentary election. The Assembly is authorized to decide by the majority vote about the holding of fresh elections prior to the completion of its prescribed duration.

Powers and Functions

1. Legislative Powers:

The primary function of the Grand National Assembly is to enact new laws and make alterations, whenever required, in the existing laws. The ministers introduce most of the bills on the floor of the assembly and actively participate in the process of law-making. They normally remain present on the floor of the chamber to defend their policies and pilot the bills through the legislative routine. Grand National Assembly may delegate the power of issuance of decrees to the Council of Ministers. Such decrees hold the validity of law so long as these remain operative. A law passed by the Assembly which authorizes the executive to promulgate decrees, shall also specify its scope, duration and underlying principles.

2. Control over the Executive:

All the members of the Council of Ministers participate in the deliberations of the Assembly. They have to answer the questions asked by the members. The Assembly can effectively control policy process by asking questions, moving resolutions and different motions. Parliamentary inquiries are a useful device to check the autocratic trends of the executive. The Assembly enjoys the most effective power to pass a no confidence motion against the Cabinet and remove the ministers from the office.

All the treaties made with foreign countries and declaration of war, got to be ratified by the Assembly. The Grand National Assembly is fully authorized to allow the use of army in respect of fulfillment of treaty obligations or those of international law. The Assembly is competent to allow the stay of foreign troops in Turkey or give them free passage in Turkish territories. In pursuance of the fulfillment of international treaty obligations, Turkish National Assembly shall be competent to depute army troops in a foreign country.

3. Control over Finance:

It is due to its control over financial legislation that the National Assembly can indirectly shape public policies. The Assembly enacts finance Act and appropriation Act on the basis of estimates of expenditure and proposals for raising funds. The legislators undertake exhaustive deliberations on the budgetary proposals and frequently move cut motions to tame the government.

4. Judicial Powers:

Though its legislative powers and fiscal control, National Assembly can indirectly affect organization of judiciary and its working. It can also grant general amnesty but it does not apply to the crimes committed against national ideology and country's solidarity. National Assembly exercises the right to confirm death sentences given by the courts.

5. Redressal of Grievances:

Being a popular chamber, Grand National Assembly performs an important role to redress public grievances. During exhaustive deliberations on the floor of the House, public problems are thoroughly examined and freely discussed. By passing different resolutions, the House can express its opinion, condemning or appraising certain policies.

6. Parliamentary Enquiries:

Request for holding parliamentary enquiry can be made with the support of one tenths of the total membership of National Assembly, against the conduct of any minister or even against the Prime Minister. The Assembly discusses the case thoroughly and makes final decision by majority vote. The affected party has the right to present its case in the Supreme Court.

Role of Army in Politics

Historical Background:

Turkish society had to face an acute depression after its defeat in World War I. It was deprived not only of its dependencies of Middle East of Ottoman period but lost also its certain purely Turkish territories. Turkish army under the valiant command of Ataturk, liberated few lost areas from the domination of allied forces. The military leadership vehemently faced the hardships and started the task of national reconstruction with a missionary zeal. In his drive for Secularism and Modernism, Ataturk used all tools of oppression and coercion at his disposal to the extent of eliminating all symbols of historical past of Turkish Society. Orientation of military training depicted the same trend. Imprints of Western Civilization and culture became more and deeper on the army after Turkey became member of NATO. The new socio political order did not remain merely secular, rather became clearly anti-Islamic.

The newly developed system remained stable and government's control over the society was firm and tight during the lifetime of Ataturk. But things changed after his death and natural urge for participation in the statecraft on the part of people grew stronger gradually. As a reaction to the secular and anti-Islamic policies of the military regimes, the Pro-Islamic elements gained momentum. Condemnation of military rule was the natural result which found its exposition in various directions. Lifting the ban on the political parties was an event which gave fillip to the lust for democratic system among the masses.

The newly elected government perceiving the popular will, adopted moderate policies and lifted excessive restrictions on the religious activities. The new policies indicated soft corner for religious elements and relaxation on religious activities, which was a clear deviation from the Kamalate legacy.

The liberal policy introduced by the Democratic Party's government of Adnan Mendris, stands a clear testimony to this. This party was formed in 1946 with Jalal Bayar and Adnan Mendris as its founders. Democrats got victory in the election held in 1950 and formed the government to the dislikeness of the army. Intervention of military in politics at intervals blocked the way of the growth of democratic institutions. Acute polarization and perpetual conflict based on violence among political parties paved the way for army's involvement in political life.

An analysis of the political role of army would reveal that out of eighty years of its history after World War I, Turkey remained under the rule of a civilian president for not more than a period of a decade only. All the constitutions of modern Turkey were framed under military rule. The underlying factors that account for military's intervention in civil life are classified below:

1. Political Instability:

Such a strong leadership could not emerge after the death of Ataturk in 1938, as could tackle and face extra-ordinary difficult problems generated by war. The successor government was not strong enough to have a firm hold over public affairs, while demands for popular participation in decision-making gained momentum. Mostly civilian governments were formed, which were not stable hence unable to implement public policies in an effective manner. Consequently, it would directly or indirectly intervene in the political affairs during political chaos and unrest.

2. Lust for Power:

The temperament of the military became more and more political due to its excessive involvement in civil affairs at intervals, implicating factional tussles within the army ranks. If one group of army officials supported Democrats, the other developed a leaning towards Republicans. Another reason responsible for intervention of military in political life was inspired by vested interests and getting more and more benefits for the army.

3. Role as Agent of Modernization:

The positive role of the army with regard to modernization and national reconstruction has also supported the claim of the army to act as arbiter during political crisis. During a period of military rule, political stability can be attained which is considered, of course, indispensable for national progress. In contrast to this, the civilian period in Turkey has been generally marked by political strife, violence and polarization. Some civil governments had invariably accepted the role of army and depended on its support. Civil administration, under such conditions, became loose, paving the way for direct control of political life by the army.

Conclusion:

The military regime performed, no doubt positive role in national reconstruction and development. But Turkish political system was no exception to save itself from injurious effects of military's involvement in civil affairs. Hence the main beneficiary of the fruits of so called economic development and political stability was the military which exhausted a large part of the national wealth and its resources even at the cost of economic needs of other classes especially those of the rural areas. The military monopolized even civil offices where military personnel were deputed frequently, giving civilian affairs an outlook of military's professional values. Polarization, party politics and factionalism penetrated within the army ranks.

The attitude of the army hindered the growth of healthy democratic atmosphere. Instead of performing the role of arbiters and mediators, the army chiefs generally got involved in party politics, supporting a particular party and denouncing the other. The policies adopted by the military regime during post World War I period proved, no doubt, positively fruitful but under the changed scenario, the defence forces are well advised to limit their sphere of action to defence affairs only and improve their professional competence.