

# **FACULTY OF JURIDICAL SCIENCES**

**COURSE: B.A.LL.B. 1II Semester**

**SUBJECT: Political science-III**

**SUBJECT CODE: BAL-301**

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# Lecture-6



## **India**

1. Theoretically, we may say that the doctrine of Separation of Power is adopted in our Constitution, but it is only between the Executive and Judiciary.
2. The President is a part of the Union Executive. Yet, it is the Prime Minister and the Council Ministers who are the real executive because the President has to act on the aid and advice of the Council of Ministers.
3. They have dual capacity:
4. One, in capacity of executive; and
5. Two, in the capacity of lawmaker.

The Prime Minister, in his capacity as the leader of the ruling party can enact a law, which his administration executes. Thus, the Prime Minister and his Council Ministers enact the law and the administration executes the same, which is per se, contradictory to the doctrine of Separation of Power.

### **• Checks and Balances**

No organ of the government can be given complete liberty. Hence there have to be checks and balances.

#### **1. How are checks and balances achieved in the US Constitution?**

Judiciary checks on other branches of the government, by judicial review of the executive as well as legislative acts.

1. **How Congress checks the President or powers of the President?**
2. It is necessary to ratify the international agreements and higher appointments
3. Principle of no taxation without representation

### **• Impeachment of the President**

1. **How President checks the Congress?**
2. By the use of veto powers (Congress can pass a bill against Presidential veto with 2/3rd majority. So the President doesn't have an absolute veto.
3. **Pocket Veto:** Two situations arise –

**Congress in session for ten days:** Bill can be passed even without the assent of the President

**Congress in session for less than ten days:** Bill will lapse.

1. **President and Congress applying checks on Judiciary**
2. **Appointment of Judges:** appointed by the President and ratified by the Senate
3. **Removal of Judges:** removed through impeachment by the Congress and approved by the President

- Salaries and emoluments controlled by the President

# MCQ

1. In America, for proposing amendments, the number of ways are:  

<u>A.</u> Two	<u>B.</u> Three
<u>C.</u> Four	<u>D.</u> None of these
2. In America, for ratifying amendments, the number of ways is:  

<u>A.</u> Two	<u>B.</u> Four
<u>C.</u> Five	<u>D.</u> None of these
3. In 1787, an American Constitution was ratified by:  

<u>A.</u> 9 out of 13 states	<u>B.</u> 10 out of 13 states
<u>C.</u> 11 out of 13 states	<u>D.</u> 12 out of 13 states
4. The first ten Amendments in the Constitution of U.S.A. Are called:  

<u>A.</u> The Bill of Rights	<u>B.</u> The Implied Powers
<u>C.</u> Executive agreements	<u>D.</u> None of these
5. The growth of the Cabinet System is based on:  

<u>A.</u> Constitution	<u>B.</u> Convention
<u>C.</u> Judicial Decision	<u>D.</u> Formal Amendments