



SPCRD GLOBAL  
PUBLISHING  
Sustainable Solutions

# REAL Review of Education, Administration and Law

Journal homepage: <http://real.spcrd.org> ISSN (Print): 2708-1788 ISSN (Online): 2708-3667

## Evolution and Exercise of the Power of Judicial Review of Executive Actions in Pakistan

Rao Imran Habib <sup>a</sup>

<sup>a</sup> Assistant Professor, Gillani Law College Bahauddin Zakariya University, Multan.  
Email: [raoimran@bzu.edu.pk](mailto:raoimran@bzu.edu.pk)

### ARTICLE DETAILS

#### History:

Accepted 11 May 2020

Available Online 30 June 2020

#### Keywords:

Democracy, Fundamental Rights, Judicial Review, Executive Actions

#### JEL Classification:

D72, D79

DOI: 10.47067/real.v3i1.16

### ABSTRACT

*In the modern democracies the protection of fundamental rights has gained immense importance. The fundamental rights are guaranteed by the constitutions of democratic states. The courts are empowered through the power of judicial review to protect fundamental rights against any violations of these. The concept of judicial review of executive actions emerged from the concept that the powerful executive can jeopardize the rights of the people for their political interests and there should be an independent forum to check the abuses of the human rights by the executive. In the modern era the power of judicial review has proceeded one step further as, in addition to the violation of fundamental rights, it has started examining the issues of good governance and disputes between state organs. Pakistan inherited the idea of judicial review of executive actions from the supervisory jurisdiction of English Courts to issue prerogative writs. Subsequently, Pakistan specifically incorporated the judicial review powers in the 1962 Constitution. The provincial high courts and the Supreme Court are entrusted with the power of judicial review; however, the Supreme Court can adjudicate upon matters of fundamental rights if they involve public importance. This research work examines the importance of judicial review of executive actions for the protections of fundamental rights. Then the evolution and exercise of judicial review of executive actions by the higher courts in Pakistan is analysed. This study finds that the superior courts in Pakistan have actively used this power to protect fundamental rights but in their drive to protect fundamental rights sometimes they have encroached into the jurisdiction of the other state institutions.*

© 2020 The authors. Published by SPCRD Global Publishing. This is an open access article under the Creative Commons Attribution-NonCommercial 4.0

Corresponding author's email address: [raoimran@bzu.edu.pk](mailto:raoimran@bzu.edu.pk)

### 1. Introduction

Hirschl (2004) claims that in modern constitutions, judiciaries have been more insulated from political interference and have been assigned the power of policy making through the mechanism of

judicial review; he named this development a 'juristocracy'. This convergence towards constitutionalism and judicial review is the outcome of the development of new meanings of democracy. Now, democracy is considered to constitute more than just the traditional meaning of majority rule. The protection of fundamental rights and freedoms has also now become an integral part of the modern concept of democracy. According to evolutionist theory, a new meaning of democracy has emerged with the acceptance of the idea of constitutional supremacy rather than parliamentary supremacy. The fortification of fundamental rights, through the system of judicial review, in the modern democracies is an evidence in the support of evolutionary theory. The existence of a democracy therefore means the existence of certain sets of rules and regulations which are binding on all the political actors in the state. However, this system can only sustain itself and persist in the presence of an independent and impartial judiciary which can play a neutral role in case of political disputes (Hirschl, 2004).

## 2. Importance of Judicial Review

The rule of law is imperative in establishing and maintaining trust between the state and its citizens as otherwise, the non-existence of strict compliance to laws will undermine the legitimacy of state institutions and the people will prefer to become judges of their own causes, risking a descent into anarchy (Dakolias and Thachuk, 2000; Iqbal, 2009). The correlation of democracy and the rule of law gives a critical role to the courts because judicial institutions in general have the duty to enforce the constitution and fundamental rights through the mechanism of judicial review (Helmke<sup>1</sup> and Rosenbluth, 2009; Larkins, 1996). In a society where the rule of law prevails, imperiousness by state officials which manifests in, for example, extra judicial killings, torture and unlawful confinement, occurs at a minimal level (Apodaca, 2013). Resultantly, human life, personal security, and human rights are protected against abuses by the state or by non-state actors (World Bank, 2000).

The power of judicial review is not restricted to determining the constitutionality of the laws passed by parliament; rather, it extends to examining and deciding whether or not the executive is providing good governance (Voigt, 2012). The term 'good governance' is relatively new and has not been satisfactorily defined, yet it is often used in modern literature (Santiso, 2001). The World Bank in its report defined it that "a public service that is efficient, a judicial system that is reliable, and an administration that is accountable to its public" (World Bank, 1989). Good governance basically relates to the due performance of their duties by public representatives and officials, and it requires a good balance to be maintained amongst the government and the governed (World Bank, 1989). Thus, judicial review has recently established its place in parliamentary democracies as a system of oversight of the performance of elected governments not only in constitutional matters but also in other domains of public life (Waseem, 2012). The judicial authority to review the executive actions is entrusted upon the courts so that they may play the role of watchdog and ensure that the executive is performing its functions in accordance with the law (Ahmed, n.d; Waseem, 2012) .

The judiciary must also settle issues between the different organs of a state. While highlighting the importance of the supervisory jurisdiction of the courts in Pakistan, Justice Ajmal Mian has argued that: "Since the above role entrusted to the judiciary under the Constitution was very delicate, it was envisaged that the judiciary would be independent and separate from the other organs of the State" (Faridi v Federation of Pakistan, 1989). Similar views were expressed by the Chief Justice of Australia as he suggested that:

*"Executive governments are themselves major litigants. Almost all criminal cases*

*are fought as contests between the government and a citizen. Governments are frequently involved in civil litigation, either directly or through corporations in which they have a stake. Courts are sometimes called upon to determine disputes between different governments, or between the legislative and the executive branches of government. Judicial independence is an element of the constitutional system of checks and balances, and is the primary source of assurance of judicial impartiality (quoted in Khan, 2001)."*

Realising the vital political importance of the judiciary, politicians in Pakistan have been desperate to gain control over judicial appointments in the country's Higher Courts, resulting in serious conflicts between the executive and the judiciary (Hirschl, 2008). This situation indicates that in order to perform this huge but delicate task, the judiciary should be independent and confident that it is able to challenge the might of the executive and legislature. Otherwise, an enfeebled judiciary may increase the vulnerability of the unprivileged masses in the society before the tyranny of the powerful executive and legislature. The adequate performance of this delicate duty requires the judicial organ to be independent of the political branches (Khan, n.d). If the judiciary is not independent, then these disputes can generate power struggles between the different organs of state. An independent judiciary can ensure that every organ is working within the domain prescribed by the constitution (Voigt, 2012).

### **3. Evolution of Judicial Review in Pakistan**

In Pakistan, as in other jurisdictions, judicial oversight of the executive's actions is based on judicial review (Waseem, 2012). The judiciary is given the task of putting a check on the constitutional misdemeanours of the executive and legislature (Hassan, 2007). The norm of judicial review in Pakistan was originally inherited from common law jurisdiction. Initially, it was derived from the English High Court's historic supervisory jurisdiction to issue prerogative writs, as a similar power was devolved upon the higher courts in British India under the Specific Relief Act (Ahmed, n.d). After independence, Pakistan adopted the majority of pre-independence laws and legal concepts (Shabbir, 2013). In the beginning, the High Courts of Pakistan exercised supervisory jurisdiction under the powers to issue writs of "mandamus", "prohibition", "certiorari" and "quo warranto". The courts were first authorised to issue these writs under section 223A of "the Government of India Act 1935", and then under Article 170 of the Constitution of Pakistan of 1956. This could be termed "legislation by reference" and it had the drawback that the scope of these writs was to be derived from the textual materials and precedents from the English, and some other, jurisdictions (Karim, n.d).

During the early years this supervisory jurisdiction had no significant impact on public life because these legal terms were imported from English law and the courts were inclined to follow English precedents in the use of their supervisory jurisdiction. Although the High Courts tried to adopt a broad-based view on different occasions, the Federal Court/Supreme Court headed by Chief Justice Munir adhered very strictly to the available English precedents and turned down those broad-based judgments of the High Courts, adopting a narrow approach instead (Ahmed, n.d). In the *The Sargodha-Bhera Bus Service and 37 others v The Province of West Pakistan* (1958), the Lahore High Court used the writ of "mandamus" to intervene in a dispute over the allocation of route permits. However, in a challenge against the High Court judgment, the Supreme Court led by Justice Munir embraced the English principle to discriminate between administrative orders and quasi-judicial orders, and decided that the High Court could not intervene in the matter of administrative discretion by using the writ of "mandamus" (*Tariq Transport Company v Sargodha Bhera Bus Service*, 1958). Similarly, in another case the Supreme Court declared that the precedents of the Privy Council and the pre-partition Federal Court

were binding on the courts in Pakistan. Justice Munir's court held that the writ of 'mandamus' could not be issued for the recovery of an outstanding amount of the salary of a civil servant as a public duty, even if he had been illegally dismissed from his service. The Court reasoned that his salary was a bounty of the Crown rather than a contractual debt, and that a writ of "mandamus" cannot be issued against the Crown (*The State of Pakistan and others v Mehrajuddin*, 1959).

Subsequently, the Supreme Court led by Justice Cornelius tried to break the medieval shackles of this approach and started a new era of judicial review of the executive power (Ahmed, n.d). In *Pakistan v Muhammad A. Hayat* (1962), the Supreme Court unanimously overruled the *Mehrajuddin's* judgment. In this judgment, Justice Kaikus declared that the English Crown and the Pakistani Government were not identical, and that therefore, an analogy between them was inappropriate. The law of the land created the government and devolved upon it certain duties to perform, and its powers were defined and limited by the law. In the case of a failure of the government to perform its duties within the limits prescribed by the law, even the subordinate courts with the lowest jurisdiction could grant injunctions against the government for the performance of its legal obligations. The court categorically declared that the Constitution of Pakistan of 1956 did not prevent the writ of 'mandamus' to be issued against the Government of Pakistan. Soon after this judgment, the judgment in the *Tariq Transport Company* case was overridden by Justice Cornelius Court in the *Ikram Bus Service* case (*Ikram Bus Service v Board of Revenue*, 1963). In this case, Justice S.A. Rehman held that the executive's officials were legally bound to treat all applicants in a just, fair and equitable manner.

The law of judicial review in clear terms was first codified in Article 98 of the Constitution of Pakistan of 1962. Subsequently, the same power was incorporated in Article 199 of the Constitution of Pakistan of 1973 without any substantial change in its ingredients or language. This codification of the judicial review ceased to use the ancient Latin terms of writ jurisdiction, and instead produced a clear and consistent provision of law for the supervisory role of the courts (Braibanti, 1965). The new provision transferred all the previous powers under writ jurisdiction without using the old Latin terms to refer to them. Justice (R) Fazal Karim (n.d) admired this improvisation and proclaimed it by saying: "[t]his, I am proud to claim, is our original contribution to this branch of the law". The impact of change in the language of the constitution concerning supervisory jurisdiction was exhibited in a landmark judgment of the Lahore High Court in the case of *Mehboob Ali Malik v Province of West Pakistan* (1963). In this case, the court declared that the primeval discrimination between the compass of the writs of 'mandamus' and 'certiorari' was no longer relevant, and the courts were not restricted to follow the common law limitations on the use of supervisory jurisdiction.

#### 4. Judicial Review of Executive Actions

Article 199 of the Constitution of Pakistan of 1973 empowers the High Courts of Pakistan, in clear and straightforward terms, to conduct a judicial review of the legality of the acts of any "person performing, within the territorial jurisdiction of the Court, functions in connection with the affairs of the Federation, a Province or a local authority...". The language of this article firmly brings the legality of every action of the administrative authority under the domain of judicial review. Unlike in English jurisprudence of administrative judicial review, this article does not suggest the existence of any no-go area for the judicial review powers of the courts of against the actions of the executive (Jehangiri, n.d). The courts can pass any appropriate order for the implementation of the human rights protected in the constitution. The only limit on the supervisory jurisdiction of the courts was the availability of an alternative adequate remedy under the law. Generally, if a case raised intricate questions of fact then the courts unvaryingly used to deny hearing the matter, and set out directions to the aggrieved parties

to invoke the jurisdiction of the trial courts through civil suits. However, if no other legal remedy was available under the statutes then the High Courts were not only authorized but also liable to proceed with the case and decide accordingly (Ahmed, n.d).

The Constitution of Pakistan of 1973, in addition to setting out the above-mentioned powers of supervisory jurisdiction, empowered the Supreme Court of Pakistan to directly use supervisory jurisdiction under Article 184, which had previously been the domain of the High Courts. This Article empowers the Supreme Court to conduct judicial review over both executive and legislative actions (Blue, Hoffman & Berg, 2008). This power is not the innovation of the Supreme Court; rather, the mandate is clearly granted to the courts by the constitution itself (Shabbir, 2013). However, compared to the High Courts, two restrictions were imposed on the power of the Supreme Court. It could exercise this jurisdiction only in matters of public importance concerning the enforcement of fundamental rights (Constitution of Pakistan, 1973). So far as the term 'fundamental rights' is concerned, it is clearly attributed to the rights mentioned in Articles 8 to 28 of the Pakistani Constitution; however, 'public importance' looks in comparative terms to be more general and wider in scope (Shabbir, 2013). It has not been defined by the constitution, and even the Supreme Court rules do not explain its meaning. The absence of definition of this term in the statutes creates enough room to the Supreme Court to extend the scope of its judicial review powers (Ahmed, 2015). For instance, while elaborating on the definition of 'public importance', Justice Javid Iqbal argued that the term 'public' definitely denotes anything which belongs to the public at large or the community as whole or to the nation or state (*Pakistan Muslim League v Federation*, 2007). This power was augmented further by virtue of Article 187(1) of the 1973 Constitution. This article empowers the Supreme Court to issue any directions, orders or decrees deemed imperative for the sake of ensuring thorough justice during any proceedings before it. The Supreme Court can also order any person to appear before it, or to discover or produce any document before it. The impact of this article is broad as it empowers the Court to pass any order it considers necessary to meet the ends of justice. Unlike Article 184, this article does not impose any restriction or condition on the use of powers by the Supreme Court and leaves it completely to the court's discretion to decide what is required to achieve complete justice. To further strengthen the power and prestige of the Supreme Court, the constitution made it clear that all the judgments of the Supreme Court, where the laws or principles of law are enunciated, shall be binding on all the other courts of Pakistan. The constitution also provided that executive and judicial authorities in Pakistan shall also work in support of the Supreme Court (Constitution of Pakistan, 1973).

The Supreme Court and High Courts have delivered important judgments involving the fundamental rights of the citizens, while exercising review powers under Articles 184(3) and 199 (Iqbal, 2009). The superior courts of Pakistan have "incrementally established a frame of jurisprudence on the basis of these fundamental rights, coupled with their power of judicial review", to enforce these rights (Mintz, 2008). Despite the repeatedly occurring political and constitutional crises in the country, the courts tried hard to defend these fundamental rights, by extending their scope against the oppressions of a series of powerful executives. The Supreme Court has also established a Human Rights Cell which works under the direct auspices of the Chief Justice of Pakistan. It receives public complaints by post against breach of fundamental rights and processes these complaints expeditiously. The complaints which require adjudication are fixed and adjudicated and decided by the court accordingly. This procedure provides help to the oppressed poor people without involving traditional litigation process which is cumbersome and costly (Hussain, 2011; Khan, 2014 & Mintz, 2008).

For instance, in the *Murree Brewery Co Ltd v Government of Pakistan* (1972), the Supreme Court declared that "when a government official acts oppressively and in unfair manner, the courts have the

authority to redress the grievance of the aggrieved party." Likewise, in *Shehla Zia v WAPDA* (1994), the Supreme Court stretched the range of the concept of "fundamental rights to life and dignity" to include the areas of environmental protection and quality of life. In *Sh Liaquat Hussain v Federation of Pakistan* (1999), the Court declared that "the formation of Military Courts to conduct trials of civilians was against the Scheme of the Constitution." The Court also safeguarded the women's rights by holding that "no female can be deprived of her right to inheritance even if she has waived that right." Even the law of limitation would not be applicable to the cases for right to inheritance filed by women (*Ghulam Ali v Mst Ghulam Sarwar Naqvi*, 1990). In another case, the Court declared that "if the number of female students who qualify for admission to medical colleges on merit exceeds the number of reserved seats for women, then they cannot be restricted from gaining admission on a quota basis" (*Shrin Munir v Government of Punjab*, 1990). Likewise, the Lahore High Court held that the marriage of a female will not be valid without her consent (*Mst Humaira Mehmood v The State*, 1999). In a complaint filed in the Supreme Court concerning the death of a 70 year old retired professor and his wife, who supposedly died of hunger due to the delayed payment of a pension, after an enquiry the Supreme Court ordered criminal proceedings against the civil servants who had been responsible for this delay. The court also held that in future, no government official should delay the release of pension or retirement benefits and that if any official is found guilty of causing such a delay, he should be held liable for criminal negligence. The court further held that in the case of a delay the head of the department should be guilty of contempt of court (*Haji Muhammad Ismail Memon, Advocate Complainant*, 2007). Public interest litigation, in addition to providing relief to the oppressed people, made constitutional reforms easy. For instance, in the *Darshan Masih v The State* (1990) case, upon receiving a telegram from some bonded labourers, the Supreme Court initiated court proceedings against bonded labour. The Supreme Court declared that the matter was of public importance and involved a breach of fundamental rights. This judgment paved the way for the introduction of The Bonded Labour System (Abolition) Act 1992 (Ahmed, n.d).

Apart from judging complaints filed by aggrieved individuals, the Supreme Court also took cognizance of various matters of public importance under its 'Suo Moto' powers (Blue, Hoffman & Berg, 2008). Though the Supreme Court acquired this power in order to initiate public interest litigation of its own under the cloak of Article 184(3) in 1997, the frequent use of this power was introduced by Chief Justice Iftikhar Muhammad Chaudhry (Siddiqi, 2015). Some appreciated his judicial activism in checking and achieving redress to the executive's incompetence, corruption and mal-administration (Haq, 2011; Hassan, 2007; Khan, n.d & Zaidi, 2008). However, there was also criticism of this 'Suo Moto' power which argued that it lacked any clearly defined criteria which could be used to determine which cases should be taken up by the Supreme Court under this power. Sometimes the Supreme Court initiated proceedings merely on the basis of newspaper stories, and it took 'Suo Moto' actions against the imposition of a carbon surcharge on petroleum products and hikes in sugar and petroleum prices (Manzoor, 2013; Report on the ICJ Mission to Pakistan, 2011; The Express Tribune, 2013 & Web Desk, 2013). This encroachment of the judiciary into the executive's domain was therefore strongly criticised by political and legal circles (Gazdar, 2009; International Bar Association, 2008; Khan & Hussain, 2012 & Mullally, 2009). For instance, Mintz (2008) criticised the use of this power by stating that:

*"In summary, it has been described, at times, as a transgression of the appropriate role of unelected judges in a democratic polity. It has been deemed in some cases to be in violation of the 'doctrine of political question' and indeed the assumption of a deeply political role on part of the judiciary. It has also been put to question in some situations as inappropriate judicial interference in areas politically contentious and technically complex – hence liable to end up in burnt fingers for the activist judges and additional hurdles for the elected democratic*

*system impeded by bungling activist judges.”*

The Constitution of Pakistan ensures the separation of powers between different state organs, but the Supreme Court sometimes behaved like an alternative executive in its exercise of ‘Suo Moto’ powers (Report on the ICJ Mission to Pakistan, 2011). The likelihood and fear of the illegitimate authentication or annulment of statutes or executive policy is couched in the function of the higher judiciary (Mintz, 2008). Despite valid justifications for judicial activism, the activist judiciary always walk on a tightrope. In the context of the past role of the Judiciary in Pakistan, apprehension regarding their crossing of red lines cannot be ignored.

## 5. Conclusion

The role of courts in protection of fundamental rights is indispensable. Rule of law in a society can only be ensured if the rights of the people are protected in a fair and transparent manner. Thus, the modern democratic states have empowered their higher courts with the power of judicial review of executive actions. Pakistan inherited this power from the English prerogative writs and subsequently incorporated the power of judicial review in its Constitution and the courts in Pakistan are actively exercising their powers of judicial review of executive actions. The courts in Pakistan declared that the government in Pakistan is not identical to that of England and thus brought all the executive actions, without out leaving any no go area, under the scrutiny of the courts. However, there is a restriction on this power that it can be availed only in case when there is no other efficacious remedy available under the prevailing laws. The high courts have successfully used this power to provide relief to the public against the executive.

However, the Supreme Court has excessively used its power of judicial review by exercising suo moto powers. The Supreme court can use this power in the matters of fundamental rights and of public importance, but the Constitution does not define the scope of public importance. This results in stretching of the scope of powers of the Supreme Court by proclaiming any matter as of public importance. The Human Rights Cell of the Supreme Court receives application even from individuals and the Supreme Court exercises its judicial review powers upon these applications. Therefore, the term public importance should be clearly defined in the Constitution of Pakistan. Though the courts in Pakistan have contributed a lot towards the protection of human rights and good governance in Pakistan by using the power of judicial review, yet there is need that the courts should draw a line which they should not cross otherwise the equilibrium of power between the state organs will be disturbed and it may lead towards anarchy in the state.

## References

- Ahmed, S. (2015). Supremely fallible? A debate on judicial restraint and activism in Pakistan. *ICL Journal*, 9(2), 213-239.
- Ahmed, S. (n.d). Good Governance and the Role of Judiciary. Retrieved from <<http://www.supremecourt.gov.pk/ijc/Articles/3/1.pdf>>.
- Apodaca, C. (2003). The rule of law and human rights. *Judicature*, 87, 292.
- Blue, R., Hoffman, R., & Berg, L. A. (2008). Pakistan Rule of Law Assessment–Final Report. Prepared for the USAID/Pakistan by Management System International. Washington D C.
- Braibanti, R. (1965). Pakistan: constitutional issues in 1964. *Asian Survey*, 79-87.
- Dakolias, M., & Thachuk, K. (2000). Attacking corruption in the judiciary: A critical process in judicial reform. *Wis. Int'l LJ*, 18, 353.
- Darshan Masih v The State, PLD 1990 SC 513.

- Faridi v Federation of Pakistan, PLD 1989 Karachi 404.
- Gazdar, H. (2009). Judicial activism vs democratic consolidation in Pakistan. *Economic and Political Weekly*, 44(32), 8-14.
- Geyh, C. G. (2012). Can the Rule of Law Survive Judicial Politics?. *Cornell Law Review*, 97(191), 2011-2012.
- Ghulam Ali v Mst Ghulam Sarwar Naqvi, PLD 1990 SC1.
- Government of India Act 1935.
- Haji Muhammad Ismail Memon, Advocate Complainant, PLD 2007 SC 35.
- Hassan, P. (2007). Environmental Protection, Rule of Law and the Judicial Crisis in Pakistan. *Asia Pac. J. Envtl. L.*, 10, 167.
- Helmke, G., & Rosenbluth, F. (2009). Regimes and the rule of law: Judicial independence in comparative perspective. *Annual Review of Political Science*, 12, 345-366.
- Hirschl, R. (2004). The political origins of the new constitutionalism. *Indiana Journal of Global Legal Studies*, 11(1), 71-108.
- Hirschl, R. (2008). The judicialization of mega-politics and the rise of political courts. *Annu. Rev. Polit. Sci.*, 11, 93-118.
- Hussain, F. (1993). Public interest litigation. Sustainable Development Policy Institute.
- Hussain, F. (2011). The judicial system of Pakistan (p. 19). Supreme Court of Pakistan.
- Ikram Bus Service v Board of Revenue, PLD 1963 SC 564.
- International Bar Association (2008). The Rule of Law and Human Rights in the Legal System of Pakistan. Retrieved from <[http://www.ibanet.org/Human\\_Rights\\_Institute/HRI\\_Publications/Country\\_reports.aspx](http://www.ibanet.org/Human_Rights_Institute/HRI_Publications/Country_reports.aspx)>.
- Iqbal, N. (2009). A View from Pakistan. *Human Rights*, 36, 1.
- Jehangiri, M. B. (n.d) Judicial Review of Administrative Actions. Retrieved from <<http://supremecourt.gov.pk/ijc/articles/16/1.pdf>>.
- Karim, F. (n.d). Judicial Review of Administrative Action. Retrieved from <<http://www.supremecourt.gov.pk/ijc/Articles/16/2.pdf>>.
- Khan, A. B., & Hussain, F. A. (2012). President Operation and Superior Courts Review: A Study of Khawja Muhammad Sharif Case (1988). *Berkeley Journal of Social Sciences*, 2(1), 1.
- Khan, H. (n.d). Role of Independent Judiciary in Countries of South Asia, Particularly Pakistan, available at <<http://www.supremecourt.gov.pk/ijc/Articles/2/3.pdf>>.
- Khan, I. H. (2001). The independence of the Judiciary. In R. V. V. Puymbroeck (ed.), *Comprehensive legal and judicial development: toward an agenda for a just and equitable society in the 21st century*. The World Bank.
- Khan, M. S. (2014). Genesis and evolution of public interest litigation in the supreme court of Pakistan: toward a dynamic theory of judicialization. *Temp. Int'l & Comp. LJ*, 28, 285.
- Larkins, C. M. (1996). Judicial Independence and Democratization: A Theoretical and Conceptual Analysis. *Am. J. Comp. L.*, 44, 605.
- Manzoor, U. (2013, December11). The magic of suo moto, at its best. *The News (Pakistan)*. Retrieved from <<http://www.thenews.com.pk/Todays-News-13-27204-The-magic-of-suo-moto-at-its-best>>.
- Mehboob Ali Malik v Province of West Pakistan, PLD 1963 Lahore 565.
- Mintz, J. A. (2008). Introductory Note: A Perspective on Pakistan's Chief Justice, Judicial Independence, and the Rule of Law. *ILSA J. Int'l & Comp. L.*, 15, 1.
- Mst Humaira Mehmood v The State PLD 1999 Lah 494.
- Mullally, S. (2009). A Long March to Justice: A Report on Judicial Independence and Integrity in Pakistan. International Bar Association, Human Rights Institute.
- Murree Brewery Co Ltd v Government of Pakistan, PLD 1972 SC 279.



- Pakistan Muslim League v Federation, PLD 2007 SC 642.
- Pakistan v Muhammad A. Hayat, PLD 1962 SC 28.
- Report on the ICJ Mission to Pakistan. (Autumn 2011). Retrieved from <<http://www.scribd.com/doc/95269173/ICJ-Mission-to-Pakistan-Pakistan-Mission-Report-30-March-2012>>.
- Santiso, C. (2001). Good governance and aid effectiveness: The World Bank and conditionality. *The Georgetown public policy review*, 7(1), 1-22.
- Sh Liaquat Hussain v Federation of Pakistan, P L D 1999 SC 504.
- Shabbir, S. S. (2013). *Judicial Activism Shaping the Future of Pakistan*. Available at SSRN 2209067.
- Shehla Zia v WAPDA, PLD 1994 SC 693.
- Shrin Munir v Government of Punjab, PLD 1990 SC 295.
- Siddiqi, F. (2015). Public Interest Litigation: predicable Continuity and Radical Departures. In M. H. Cheema and I. S. Gilani (eds.), *The Politics and Jurisprudence of the Chaudhry Court 2005-20013*. Oxford University Press.
- Tariq Transport Company v Sargodha Bhera Bus Service, PLD 1958 SC 437.
- The Constitution of Pakistan 1956.
- The Constitution of Pakistan 1962.
- The Constitution of Pakistan 1973.
- The Sargodha-Bhera Bus Service and 37 others v The Province of West Pakistan, PLD 1958 Lahore 77.
- The State of Pakistan and others v Mehrajuddin, PLD 1959 SC 147.
- The World Bank. (1989). *Sub-Saharan Africa: From Crisis to Sustainable Growth: A Long-Term Perspective Study* (8209).
- Ul Haq, N. (2011). Eighteenth Amendment to the 1973 Constitution. IPRI Publications, available at <<http://ipripak.org/factfiles/ff134.pdf>>.
- Voigt, S. (2012). How to measure the rule of law. *Kyklos*, 65(2), 262-284.
- Waseem, M. (2012). Judging democracy in Pakistan: Conflict between the executive and judiciary. *Contemporary South Asia*, 20(1), 19-31.
- Web Desk. (2013, June 14). CJP takes suo moto notice on price hike of petroleum products. *The Express Tribune (Pakistan)*. Retrieved from <<http://tribune.com.pk/story/563079/cjp-takes-suo-moto-notice-on-price-hike-of-petroleum-products/>>.
- World Bank. (2000). *World development report, 2000/2001: attacking poverty*. Oxford University Press.
- Zaidi, K. (2008). *Promoting an Independent Judiciary as a Rule of Law Principle: A Brief Commentary on the Supreme Court of Pakistan*.

## References

- Agénor, P. R. (2002). Does globalization hurt the poor?. *The World Bank*.
- Anwar, T., & Qureshi, S. K. (2002). Trends in absolute poverty in Pakistan: 1990-91 and 2004-05. *Pakistan Development Review*, 41(4 Part II), 859-878
- Asad, M. A., & Ahmad, M. (2011). Growth and consumption inequality in Pakistan. *Pakistan Economic and Social Review*, 69-89.
- Awojobi, O., & Bein, M. A. (2011). Microfinancing for Poverty Reduction and Economic Development; a Case for Nigeria. *International Research Journal of Finance and Economics* (72), 159-168.
- Barrette, A. J., & Beardmore, R. M. (2000). India's urban poverty agenda: understanding the poor in cities and formulating appropriate anti-poverty actions. A discussion paper for South Asia and City Management Course, Washington, DC.
- Brady, D. (2003). The poverty of Liberal Economics, *Socio-Economic Review*, 1(3), 369-409,

<https://doi.org/10.1093/soceco/1.3.369>

- Caminada, K., & Goudswaard, K. (2009). Effectiveness of poverty reduction in the EU: A descriptive analysis. *Poverty & Public Policy*, 1(2), 1-49.
- Caminada, M., Pigozzi, G., & Podlaszewski, M. (2011). Manipulation in group argument evaluation. In *Twenty-Second International Joint Conference on Artificial Intelligence*.
- Celikay, F., & Gumus, E. (2017). The effect of social spending on reducing poverty. *International Journal of Social Economics*, 44(5), 620-632.
- Chambers, R. (2006). 'What is poverty? Who asks? Who answers?' In *Poverty in focus: What is poverty? Concepts and Measures*. UNDP, International Poverty Centre. <http://www.undp-povertycentre.org>
- Chaudhry, I. S., Malik, S., & Ashraf, M. (2006). Rural poverty in Pakistan. *Pakistan Economic and Social Review*, 44(2), 259-276.
- Cheema, A. R., & Sial, M. H. (2012). Poverty, income inequality, and growth in Pakistan: A pooled regression analysis. *The Lahore Journal of Economics* 17 (2), 137-157
- Cizakca, M. (2004). Cash waqf as alternative to NBFIs Bank. In *International Seminar on Nonbank Financial Institutions: Islamic Alternatives* (pp. 1-3).
- Cotterill, S. J., Ahrens, S., Paulussen, M., Jurgens, H. F., Voute, P. A., Gadner, o. H., & Craft, A. W. (2000). Prognostic factors in Ewing's tumor of bone: analysis of 975 patients from the European Intergroup Cooperative Ewing's Sarcoma Study Group. *Journal of clinical oncology*, 18(17), 3108-3114.
- Datt, G., & Ravallion, M. (1998). Farm productivity and rural poverty in India. *The Journal of Development Studies*, 34(4), 62-85.
- Ferrarini, T., Nelson, K., & Palme, J. (2016). Social transfers and poverty in middle-and high-income countries-A global perspective. *Global Social Policy*, 16(1), 22-46.
- Frankel, J. A., & Romer, D. H. (1999). Does trade cause growth?. *American economic review*, 89(3), 379-399.
- Friedman, H. L. (1962). *Ionic Solution Theory: based on Cluster expansion methods* (Vol. 3). Interscience Publishers.
- Fukuda-Parr, S. (2006). Millennium development goal 8: Indicators for international human rights obligations. *Hum. Rts. Q.*, 28, 966.
- Gillani, S. Y. M., Rehman, H. U., & Gill, A. R. (2009). Unemployment, poverty, inflation and crime nexus: Cointegration and causality analysis of Pakistan. *Pakistan Economic and Social Review*, 79-98.
- Gillespie, D., Ahmed, S., Tsui, A., & Radloff, S. (2007). Unwanted fertility among the poor: an inequity?. *Bulletin of the World Health Organization*, 85, 100-107.