



Analysis of Judicial Review: The Role of Higher Courts in Assessing Legislative and Executive Actions in the Context of Pakistan

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Abstract

In Pakistan higher courts are responsible for evaluating legislative and executive decisions through the process of judicial review. However, this study investigates the role that higher courts of Pakistan play significant role in the judicial review process. This study examined through the doctrinal legal research method to study statutes, legal frameworks, commentaries books and relevant cases decided by the higher courts of Pakistan under the authority of the judicial review and an investigated that their judgments have had on the legal landscape of the country are the goals of this exercise. The purpose of this study is to provide light on the growing jurisprudence surrounding judicial review in Pakistan by conducting a thorough analysis of pertinent case law, laws and academic publications. The investigation reveals that the higher courts in Pakistan play a significant part in ensuring that the Constitution remains supreme. In conclusion the examination of the activities of the legislative and executive branches to determine whether or not they are in accordance with constitutional principles and basic rights.

Keywords: Pakistan, higher courts, judicial review, legislative activities, executive actions

1. Introduction

The concept of separation of powers aims to maintain a system of checks and balances among the legislative, executive and judicial parts of government. It inhibits the occurrence of muscle hypertrophy (Bazmi & Quresh, 2021). The French philosopher Montesquieu first proposed the concept of separating powers in his influential work, "The Spirit of the Laws." The concept revolves around the notion that distinct branches of government have responsibility for certain aspects. In this manner, no one division may take over another's critical duties. The main objectives are firstly to prevent centralization secondly to ensure that all branches have systems in place for oversight and accountability. Due to the unavoidable intersection, achieving total segregation is not feasible (Mahmood Falki & Shahzad, 2022).

The distinct separation of the three branches of government ensures the court's independence, impartiality and most contemporary democracies use judicial review extensively. The ability of courts to assess the constitutionality of decisions made by other departments is a significant resource. The doctrine of the Judicial review grants the double age authority to highest courts of Pakistan for the determination of legality for legislation, regulations, presidential orders, amendments to the constitution and activities of the executive which are the against the due process of the law . If an administrative body's verdicts or acts transgress the limits established in the Constitution, the superior court may use this legal instrument to overturn them through the judicial review (Agu, S. N. 2024).

In Britain, the official establishment of the judicial system took place during the Stuart era (1603–1688), particularly in 1610(Baker, J. 2024) and happened within the framework of an unwritten Constitution. Justice Coke determined that a legislative act was unlawful because it contradicted the established principles of common law which serve as the foundation for the process of judicial review. The judicial system consists of the High Courts, the Supreme Court of Pakistan and any additional courts constituted by law as stated in Article 175 of the 1973 constitution. Currently, there is a widespread consensus that all courts in Pakistan must rigorously abide by the rule of law due to its immense authority in addition to they have constantly met their responsibilities (Khan, M. 2021).

Since its inception Pakistan has bestowed on its judicial system the authority to supervise the operations of the executive branch withits growing influence, it now has the capability to scrutinize legislative measures (Mehmood, S. 2020) however such a statement is insufficient. The integrity of this system is at risk if judges exhibit prejudice or partiality which might ultimately result in their own collapse and the exacerbation of issues. Historically Pakistanis relied on the judiciary to settle political conflicts while the country's military rulers attempted to unlawfully increase their authority by manipulating the courts (Mehmood, S. 2020). This research will examine the historical development and present extent of judicial review powers in Pakistan. Additionally, it will examine the decisions rendered by these courts throughout important political and constitutional periods to see whether the judges operated in an unbiased manner.

1.1. Objectives of this Study

This study aims to thoroughly examine the correlation between judicial review and Pakistan's political and legal systems in order to get a comprehensive understanding of the consequences of judicial review on governance and democracy in Pakistan. This study to examine its impact on the nation's democratic processes and governance, comprehensively examine its development, beginning with its origin. In additionally to this study examine the extent, constraints and impact of this on government, democracy and the rule of law. Furthermore in examining the judicial review the court's impartial use of its review powers, especially in relation to significant rulings or instances of political crises. This analysis aims to elucidate the dynamic relationship (or lack thereof) among the several branches of the Pakistani government and its impact on the country's democratic system and overall administration.

1.2. Higher Court's Structure in Pakistan

Pakistan's judicial system has a well-defined hierarchy of authority. The Supreme Court of Pakistan is the nation's highest judicial body with jurisdiction over all provinces. The High Court which is located in every province and capital is Pakistan's highest

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court. In addition, there is the Federal Shariat Court which has the authority to provide guidance or challenge its rulings and focuses on matters pertaining to Islamic law. The Pakistani Constitution defines the functions, extent, hierarchical framework and authority of these higher courts (Saleem et al., 2020)

1.3. Judicial Review matters in a Democratic Society

Pakistan is a democratic country and judicial review serves as a crucial mechanism to prevent the misuse of power by the government's other branches. The primary purpose of the judiciary is to ensure that the executive and legislative branches do not exceed the limits set by the constitution and do not violate the rights of individuals. The main purpose of the authority of the Judicial review is to result steadfastly upholding the rule of law and safeguarding the fundamental liberties and rights of people serves to maintain a balance of power. (Mehmood, S. 2020). As a result when considering fresh evidence, the interpretation of the Constitution becomes more manageable, allowing for future changes. Ultimately, judicial review protects democratic values and ensures the accountability of the administration. This is particularly crucial in a country like Pakistan, where democracy is still in the process of gaining widespread support (Beatty, D. M. 2021).

1.4. Judicial Review's Umbrella

Judgmental assessment is based on some important fundamental principles firstly the Supreme Court has affirmed that its first objective is to uphold the validity of the Constitution and ensure its supremacy. Nevertheless, there are some instances when intervention may be essential such as when an individual owns unlawfully acquired assets or engages in evident criminal activities that transcend jurisdictional lines. Secondly political disagreements may need the involvement of the High Court to provide constitutional interpretations, notwithstanding the prevailing assumption that government officials' acts are legitimate (Mehmood, S. 2020). Thirdly article 199 of the Constitution restricts and conditions the High Court's review jurisdiction. If the petitioners fail to demonstrate a personal interest in fulfilling their legal responsibilities as aggrieved parties with locus standi, the High Court can deny judicial review on equitable grounds. Typically, one must pursue other remedies before considering this option, with exceptions, particularly in cases involving economic rights.

Fourthly an Examination of the Specifics of Judicial Review in Constitutional Law Judicial review is distinct and separate because of the unique issues involved in constitutional adjudication. While advocating for basic civil rights one is conducting a study on the legality of laws. Superior courts have the jurisdiction to declare legislation unlawful if it violates basic rights. Courts retain the authority to intervene in cases involving lack of jurisdiction, coram non judge, or mala fide, ensuring the integrity of the constitutional framework and preventing complete nullification of their jurisdiction (Malik, A. A. 2023).

1.5. Court Evaluations and Solutions

The High Court and the Supreme Court have extensive powers and provide a broad variety of remedies for judicial review. The High Court can issue orders or injunctions to any government or authority involved in the execution of their responsibilities, provided they meet the prerequisites, such as locus standi. Being law-abiding entails refraining from violating any laws, abstaining from promoting illegal activities to others, and refraining from making public declarations that lack legal foundation. Furthermore, the High Court has the authority to issue instructions for safeguarding fundamental rights under its jurisdiction. However, the principle of locus standi is not always applicable. For instance, when an individual is compelled to appear in court or when they must demonstrate their legal entitlement to occupy a position subject to the court's jurisdiction. Although not mandated by the constitution, the Supreme Court, due to its jurisdiction, has the same authority as the High Court under Article 199. The Supreme Court has the authority to exercise original jurisdiction under Article 184 in cases of "public importance," which may include violations of basic rights. This jurisdiction is available to anyone, regardless of their position. The courts have adopted a broad interpretation of the phrase "public importance" to include issues pertaining to the legal rights of the community or the public (Habib, 2020).

1.6. Judicial Review: Scrutinizing Executive Action

Article 199 of the 1973 Constitution grants the High Courts of Pakistan the sole power to ascertain the legality of actions carried out by individuals or entities associated with the operations of the Federation, a province, or a local government within their specific geographical area. The courts have the authority to make any necessary orders to uphold the fundamental rights protected by the constitution. The sole restriction on their supervisory power is the presence of a legally recognized alternative solution. Trial courts rarely handle cases involving intricate factual issues, so we advise victims of misconduct to pursue compensation through civil actions (Ahmed, I. 2020). However, the High Court is the only authority responsible for initiating a case if all other legal options have failed.

The Pakistani Constitution of 1973 provides the judiciary with substantial authority. Article 184 grants the Supreme Court exclusive authority to exercise the supervisory jurisdiction, a power that the High Court's previously held. Furthermore, it clearly defines the extent of this jurisdiction's powers. This authority applies to any legislative or executive action that falls within the jurisdiction of the Supreme Court (Ahmed, S. (2015).. The primary rationale for granting individuals this power was due to the historical tendency of people to circumvent the High Courts and directly approach the court to safeguard their basic rights. However, the Supreme Court's authority differs from the High Court in two ways. First, this jurisdiction can only be exercised in cases pertaining to the protection of fundamental rights. Secondly, it must adhere to the established regulations and legislation concerning the release and detention of individuals (Cheema, M. H. 2018).

1.7. Judicial Review: Scrutinizing Legislative Actions

Article 8 of the 1973 Pakistan's Constitution mandates that any law that contradicts the rights outlined in the Constitution to the extent of the contradiction be invalidated. Additionally, the power of the state to pass laws that limit or remove these rights will be invalidated from the beginning. This article analyses the unrestricted legislative authority of the Pakistani Parliament which significantly contrasts with its English counterpart. Courts have a legal obligation to determine the legality of parliamentary acts under Articles 199 and 184 (Khan, S & Shamim, S. J. 2019). When the parliament legislate the act or law which is against the fundamental rights the courts have power to tend to nullify it through the judicial review process. This is because the Parliament

does not possess unrestricted jurisdiction even to amend the Constitution. The primary inquiry is whether Parliament has the authority to modify the Constitution or whether there are any regulations that impose limitations on its capacity to do so (Cheema, M. H. 2018). Article 239 limits a court's consideration of a constitutional amendment to bills endorsed by Majlis-e-Shoora, the parliament, and authorized by the president. Article 239 by depriving the Court of its power to challenge constitutional modifications on any grounds becomes an inflexible provision that cannot be subject to interpretation. Nevertheless, several articles assert that the legal validity of legislation hinges on its conformity with Islamic principles. There is a widespread understanding that Pakistani ideology is based on the Islamic principles mandated by Allah and His Prophet (PBUH), leading to the argument that legislation should also align with these principles (Ahmed, S. 2015).

1.8. The Role of Higher Courts in Assessing Legislative and Executive Actions

The Supreme Court's participation in the judicial review of the High Court's constitutional jurisdiction in the case of Government of Khyber Pakhtunkhwa through Secretary Agriculture, Livestock and Cooperative Department Peshawar Versus Saeed-Ul-Hassan is significant. The Supreme Court emphasized that the High Court's primary duty is to interpret the law in a manner that guarantees compliance with constitutional obligations and the validity of executive and administrative actions. To uphold the ideals of justice, the court emphasised the need to adhere to the law, both in its literal interpretation and in accordance with its underlying essence. Furthermore, the Supreme Court delineated the limitations of judicial review, stipulating that courts must strictly adhere to established legal frameworks when scrutinising legislative or executive actions. The Supreme Court prohibits them from providing novel remedies or introducing new provisions, as these actions would exceed their jurisdiction and disrupt the inherent equilibrium of the democratic system's separation of powers. The idea of separation of powers fundamentally influenced the court's conclusion. In this particular case, the Supreme Court had the twin obligation of making a decision on the issue and establishing the extent of its power. To enhance trust in the judicial system, the court restated the importance of adhering to established legal standards and respecting the separation of powers. The court's verdict aimed to uphold democracy's fundamental foundations by ensuring that the administration of justice adheres strictly to the provisions of the Constitution (PLC, 2022).

In the case of Government of Khyber Pakhtunkhwa Versus Saeed-Ul-Hassan the Pakistani Supreme Court emphasised the significance of the High Court and other courts in conducting judicial review. The court highlighted the need for enforcing the law in both its explicit and intended meaning, underscoring the High Court's power to interpret laws and scrutinise administrative and executive actions to ensure conformity with constitutional standards. Furthermore, the court explained that the judiciary had the capacity to carry out judicial reviews, but with restrictions within the boundaries of its jurisdiction. The law prohibits courts from establishing remedies not already authorized by legislation or the constitution to prevent judicial interference with other branches of government. Furthermore, the court issued a warning against interpreting existing laws in a manner that replaces them with new ones, emphasising that such an approach might potentially disrupt the constitutionally-established separation of powers. The court's reasoning clearly demonstrates the vital role of the judiciary in safeguarding constitutional ideals such as the separation of powers and the rule of law (SCMR, 2021).

The Supreme Court's judgement in the case Chief Executive Officer, Multan Electric Power Company Ltd, Khanewal Road, Multan versus Muhammad Ilyas highlighted the significance of courts in scrutinising government actions to ensure they align with constitutional values and legal norms. The ruling underscored the essence and boundaries of judicial review. Judicial review serves the objective of allowing the courts to assess whether the actions of the legislative, executive, and administrative branches of government comply with the law and the Constitution. Items that lack coherence or consistency are considered unlawful or unconstitutional, leading to their invalidation. While possessing the power to do judicial reviews, the court has explicitly stated that it would not take over the responsibilities fulfilled by other branches of government. However, it should limit its role to evaluating the legality, constitutionality, and adherence to established norms, without interfering with other parts of government's jurisdiction. The research asserts that the courts have a crucial function in upholding constitutional norms and the doctrine of separation of powers, which together provide a well-balanced government (SCMR, 2021).

The Lahore High Court, in its ruling on case Sabira Khatoon Versus Government of The Punjab provided a clear definition of judicial review, characterising it as a "legal audit" that assesses the legality of government activities. The delineated process of judicial review gives the courts the power to scrutinise actions within the legislative, executive, and administrative branches to ensure their compliance with the constitutional framework. The core of this approach is the notion of ripeness, which sets a minimal criterion for petitions seeking judicial review. The approach underscores the significance of time by requiring courts to delay review procedures until they have prepared all pertinent materials for a final decision. Ripeness, in contrast to the situation where administrative remedies have been exhausted, focuses on the practical importance and urgency of the current challenges, underscoring the need for judicious utilization of judicial resources. The ripeness doctrine aids the courts in conserving resources and directing their attention to matters of true significance by preventing them from becoming entangled in disputes that now have no direct impact on the individuals concerned. The discourse emphasizes the need for courts to diligently use their judicial review powers to uphold constitutional order (PLC, 2021).

The Karachi High Court's ruling in the case Syed Ghulam Mohiuddin versus Province Of Sindh emphasizes the significance and limitations of judicial review, particularly in relation to government policy. As stated before, the High Court does not have the role of an appellate court that decides whether government acts are sensible or appropriate via judicial review. Furthermore, it does not give the court the power to offer policy recommendations to the administration. Checks and balances constrain the evaluation of government policies to ensure compliance with laws, constitutional rights, and rules against discrimination or arbitrary decision-making. A judicial investigation is necessary when a policy displays clear arbitrariness, violates constitutional requirements, or imposes statutory restrictions. When an official exceeds their authority, known as acting *supra vires*, they are subject to judgment. Furthermore, decisions may be subject to scrutiny if they deviate significantly from the actions that a reasonable authority would have taken or fail to adhere to the prescribed procedures specified in the legislation. To avoid concerns about judicial activism and

the potential excessive exercise of judicial power, the court emphasizes the importance of judicial restraint. The study emphasises the necessity of exercising the authority of judicial review over executive and legislative actions within the confines of the constitutional framework. The study emphasizes the court's significance in safeguarding the judicial process by adhering to constitutional principles and maintaining an equilibrium of power within the administration (PLD, 2021).

The Karachi High Court's *Shumaila Salman Shah Versus Federation of Pakistan* through Minister, Ministry of Federal Education and Professional Training ruling outlines the parameters and constraints of judicial review, particularly in relation to policy determinations. The court explicitly states that judicial review does not provide the High Court with the authority to function as an appellate body, assess the wisdom or appropriateness of policies, or offer guidance to the administration on matters of policy that fall within their jurisdiction. The necessity to ensure that projects adhere to fundamental rights, constitutional mandates, and statutory laws restricts the scope of judicial review. Judicial scrutiny is necessary for policies that show signs of capricious or prejudiced conduct, violate the law, or violate people's fundamental rights. In order to prevent the president from having too much power, the court emphasises its jurisdiction to invalidate laws, actions, and government operations that go against higher legal standards. Engaging in actions outside one's legal authority, providing false information to the law, abusing one's power, acting in an inappropriate manner, or failing to adhere to prescribed legal procedures are all valid reasons for challenging court decisions. In order to prevent excessive judicial intervention and maintain the integrity of the constitutional framework, the court emphasises the need to exercise judicial restraint. The study emphasises the significance of the judiciary's function in upholding constitutional principles and carrying out judicial review in a fair and equitable way within the confines of the legal structure (PLD, 2021).

The Lahore High Court, in its ruling in the case *Syed Hussain Haider Versus Government of The Punjab* through Chief Secretary, Lahore delineated the boundaries and scope of judicial review, specifically addressing matters of public concern and the authority of the executive branch. When the court becomes aware that an action is breaking the law and the constitution, involves matters of public importance, results in unnecessary repetition of executive responsibilities, or violates the law and the constitution, it asserts its authority to intervene based on its constitutional jurisdiction. Furthermore, the court emphasises its duty to prohibit legislative actions or orders that contradict constitutional mandates. The court must invalidate any act or order found to be in violation. When determining the legality of legislative instruments or orders, the High Court evaluates not only their text but also the authority that issued them. This comprehensive interpretation of judicial review underscores the court's role as a safeguard of constitutional and legal adherence, ensuring that executive actions align with the tenets of law, justice, and the welfare of the public. The study emphasises the significance of the judiciary's function in safeguarding constitutional principles and the rule of law against administrative authority (PLD, 2020).

The Supreme Court of Pakistan has the extraordinary power to exercise jurisdiction under Article 184(3) of the Pakistani Constitution when it comes to matters of public importance related to the enforcement of fundamental rights. The Supreme Court has the authority to intervene in cases concerning fundamental rights due to the provision that gives them the power to take *suo moto* notice of problems without the need for a formal petition. When discussing the role of judicial review under Article 184(3) in the constitutional system, it is crucial to recognise its unique purpose. Initially, the Supreme Court has the authority to address violations of fundamental rights committed by the legislative, executive, and administrative departments of government via the process of judicial review, as outlined in Article 184(3). The court has the power to protect constitutional rights by examining whether government actions infringe on them (PLD, 2020).

Furthermore, as per Article 184(3), the Supreme Court has the authority to intervene in a public interest issue even without a specific petition or legal challenge. This broader judicial review allows the court to address systemic problems or subjects of significant public interest that conventional legal processes may not have raised. Furthermore, when a court examines a matter in accordance with Article 184(3), it typically instructs the relevant government institutions to rectify specific issues or safeguard fundamental rights. These orders may include a broad range of subjects, including asking inquiries into abuses of human rights or pushing legislators to enact laws that provide stronger protection for fundamental rights (PLD, 2020). Essentially, the Supreme Court of Pakistan has the authority to actively safeguard fundamental rights and uphold the legal system in Pakistan via the process of judicial review, as outlined in Article 184(3). The primary goal of this system is to uphold and protect the country's democracy and rule of law. It accomplishes this by holding government officials' accountable, promoting transparency and upholding constitutional principles (PLD, 2020).

2. The Limitations of Judicial Review

It is crucial to distinguish between errors that a court within a specific jurisdiction can examine and those that it cannot. Following the concept of *supra vires*, the courts thoroughly examine the subject matter's essential characteristics. Faults such as *coram non iudice*, error in subject matter, excess of jurisdiction, *mala fide*, and incorrect orders are examples of faults that make proceedings eligible for review only if they pertain to the specific jurisdiction in issue. Similarly, errors in law, such as wrong readings of laws or procedural blunders, are considered to be outside the court's authority and are thus eligible for review. If there is a misunderstanding or any apparent inaccuracy on record, the court may need to intervene due to evidentiary flaws and factual concerns. To avoid drawing arbitrary conclusions, authorities must use prudence in a sensible manner, and they must justify and regulate extensive discretion. Fundamental principles of natural justice, such as the right to a fair hearing and the prohibition of bias, hold significant importance. If a fair hearing cannot be provided, any judgment rendered is considered invalid. The courts rigorously enforce the rule against bias to ensure that personal prejudice does not influence the proceedings (Khan, S., & Shamim, S. J. 2019).

3. The Judicial Review and the Rule of law

The connection between the rule of law and judicial review is a crucial element of democracy in Pakistan. The judicial branch has the power to invalidate legislation that does not comply with established legal principles or official behavior through judicial

review. The rule of law is characterized by accountability, judicious use of power by government officials, transparency, and fairness. Transferring authority decisions to the courts allows for the determination of potential breaches of these principles. This encourages the values of transparency, responsibility, and fairness (Malik, A. A. 2023). Article 199 grants high courts the authority to invalidate federal or provincial authorities that fail to comply with constitutional obligations. Similarly, Article 184 grants the Supreme Court the power to overturn such authorities. This applies to both sorts of courts. Moreover, these two clauses will guarantee that every decision made by an official adheres to the legally protected rights of the person. The objective of judicial review is to restrain the capricious use of power, enhance government accountability to the public, ensure government culpability for its decisions, and safeguard individual rights against infringement. However, many people are suspicious about the efficacy of this system due to some instances where either excessive or insufficient consideration was given while examining the decision made by another branch about an issue (Lubna, H. 2011). Furthermore, conflicts among branches have emerged due to varying views on some subjects. An additional determinant of this feature's effectiveness is the judges' capacity to function autonomously and maintain honesty. This will enable the government to maintain proper accountability within the same legal framework as all other individuals and entities. The risks the judiciary faces impede its ability to oversee the actions of the executive branch.

The lack of this element, which is a fundamental aspect of our constitutional structure, would lead to the exercise of legislative and executive powers in Pakistan, which is significant. The judiciary's role is to act as a check on the executive branch, protect fundamental rights, and promote legal clarity and consistency in government by interpreting laws and clarifying any legal uncertainties. The government's inability to rely on this characteristic would lead to its collapse; nonetheless, it is crucial for all branches to effectively exercise their power. Many individuals hold the belief that this system gives judges an excessive level of authority over both legislative and executive activities (Iqbal, K. 2015).

In the case known as 2020 PLD 42, the Karachi High Court provides detailed explanations of the regulations and justifications that oversee judicial review, particularly in relation to administrative actions. The court highlights the essential role of judicial review as a mechanism and authority that is responsible for examining actions taken by both the legislative and executive branches to ensure the preservation and maintenance of the rule of law. The High Court exercises oversight over administrative actions and ensures their accountability to legal standards via the use of writs such as habeas corpus, mandamus, certiorari, prohibition, and quo warranto.

Furthermore, the court clarifies that judicial review serves as an examination, whereby it thoroughly assesses the validity of judgments made by public organisations. By emphasising that all institutions engaged in public law operations are subject to judicial scrutiny, it guarantees accountability and adherence to legal requirements. Furthermore, the court highlights the specific reasons for seeking judicial review, which include illegality, irrationality, and procedural impropriety, among others. This underscores the ability to contest decisions made by governmental organizations if deemed to surpass their legal authority, a concept known as *ultra vires*, or if deemed so unreasonable that no rational authority could have arrived at such a conclusion. Judicial review also encompasses instances that disregard legal procedures, principles of fairness, or disrupt reasonable expectations, regardless of whether they pertain to the process or the substance (PLD, 2020).

The Karachi High Court highlights the essential role of judicial review in upholding the rule of law and guaranteeing the accountability of public organizations. The court ensures oversight of administrative actions by rigorously examining and adhering to legal norms. This guarantees the preservation of individuals' rights and interests.

The judicial review system in Pakistan is facing obstacles and challenges. Furthermore Judicial review has always been a crucial element of democracy and governance in Pakistan. Its purpose is to strengthen the enforcement of legal principles, protect essential rights, and guarantee the implementation of checks and balances. However, it also poses challenges, such as political conduct and activities. To safeguard the independence of our legal system, it is crucial to guarantee that it operates within the framework of our democratic system. The researchers must address and resolve certain challenges before conducting a comprehensive evaluation of Pakistan's legal system. The country's structure is inadequate in all respects, including its political, institutional, and social dimensions. Although it is necessary to address each subject in order to effectively assess the rules specified in our constitution and hold wrongdoers accountable, there are a few primary issues that need our focus: (PLD, 2020)

Executive branch interference: Politicians consistently manage to obstruct our decision-making process when it involves decisions that directly contradict their own interests (although they have also done so in more broad circumstances). Undoubtedly, one fact is indisputable: it must come to an end. Legislative involvement is the only means by which we may achieve unrestricted functioning. To protect against external influence, we could implement this intervention by establishing fixed tenures for judges or implementing transparent recruitment processes.

4. Legal Case Consolidation

A substantial accumulation of cases has burdened under Pakistan current legal system. Because of the delay in dispensing justice, it is very challenging for us to evaluate cases promptly and efficiently, a task that is vital for us. We will need to modify certain procedures to eliminate this accumulation of unfinished work. These improvements may include improving case management, augmenting the aid team with more members, or optimizing efficiency through the use of technology. Corruption and a lack of accountability undermine public trust and reduce the effectiveness of our law enforcement efforts. This is due to a lack of developed accountability measures and the basic inability of judges to hold them accountable. In order to resolve this issue, it is imperative to enhance anti-corruption efforts. Establishing autonomous oversight committees or identifying an alternative method to ensure accountability for our actions can help. Relying just on confidence in judges' moral conduct is inadequate.

Politically influenced trials Political interference has compromised the impartiality and fairness of trials, leading to unjust outcomes. Political connections directly complicate the process of impartially evaluating a case, thereby impacting someone's trial outcome. In order to ensure the impartiality of our judge nominations, it is imperative that we implement reforms to prevent any

external influences. It may be beneficial to form a committee consisting of members from the legal profession, the court, or civil society to help remove political influence from the nomination process (Habib, R. I. 2020).

Societal Perception of the Court: Over the course of history, people have formed a negative opinion of lawyers and the whole judicial system. Given their prior experience with a distressing incident, it is quite unlikely that they would have any desire to undergo another one. Individuals will not advocate for their own interests when they should be asserting their rights to uphold the principles of legal governance. The government should establish further legal education courses and awareness efforts to ensure that individuals are well-informed about their rights. In addition, the government should enhance the capabilities of civil societies to enable them to advocate for change while also promoting accountability. The fundamental concerns in Pakistan that need immediate attention are political meddling, slow and ineffective judicial processes, corrupt practices, a dearth of accountability, and declining societal mores. To make this achievable, we need a judicial review system that is both effective and ensures the supremacy of the law while protecting our fundamental rights (Cheema, M. H. 2018).

In order to provide a more transparent and open decision-making process, it is essential to establish an appointment mechanism that facilitates the selection of judges. Creating a commission with members from diverse professional backgrounds, such as academics and attorneys, is one way to achieve this objective. **Judicial independence:** It is imperative for the government to prioritise the enactment of protective laws to ensure that our judges can do their duty without any interference from political influence. The courts experience significant delays in case management. We have two proposed solutions to this issue. Establishing specialty courts for specific case types, also known as court specialization, is one approach. The second concept is that, because humans have limited skills in comparison to technological capabilities, it is advisable to use technology to expedite the process to some extent. **Skill and capability development:** Knowledge is the ultimate source of authority. There is a need for an increased quantity of training courses for judges, and more staff members should provide more effective support for their operations (Khan, S., & Shamim, S. J. 2019).

Measures to Mitigate Corruption: The establishment of an independent institution responsible for investigating accusations against judges is essential, since judges, being human beings, are susceptible to participating in misconduct. **A dedication to transparency and accountability:** Share your ideas openly! To maintain public awareness, it is important to provide explanations that are easily understandable by all individuals. Legal aid schemes are critical for improving law enforcement and ensuring equal access to the judicial system. Furthermore, implementing mobile courts and community legal services would be extremely helpful in addressing this problem (Cheema, M. H. 2018).

Strategies for Enhancing Public Confidence: Disclosing decisions is critical for increasing transparency throughout the entire process. Furthermore, there are occasions when unethical conduct occurs in private, indicating that mere responsibility is inadequate.

Providing technical assistance exemplifies international cooperation and aid. These substantial changes need international aid. The processes involved in peer review the sharing of ideas, practices, and experiences with other countries is advantageous for all parties involved (Khan, S., & Shamim, S. J. 2019).

5. Concluding Remarks

The Supreme Court is critical in Pakistan because it conducts judicial review to determine the constitutionality of legislation and government actions. By using their powers of inspection, they may determine if the decisions taken by the executive branch and the legislature contravene the ideals delineated in the constitution. They utilise this power to ensure that other departments refrain from engaging in prohibited activities. The company will experience improved governance as a result of increased transparency, honesty, and efficiency. We will achieve this objective by holding government agencies accountable for their actions. Furthermore, the system will enhance the strength of democracy by adhering to the principles of the rule of law, which protect the rights enshrined in the country's constitution. However, an excessive amount of judicial action might potentially result in disputes with other branches of government. To ensure the proper functioning of judicial review in Pakistan, it is imperative that all branches of government exhibit a steadfast dedication to the principle of separation of powers and the autonomy of the judiciary. Furthermore, with intergovernmental coordination, it is important for citizens to hold their leaders accountable by seeking clarification if they have concerns or grievances about governmental wrongdoing. If all individuals fulfill their responsibilities and adhere to established regulations, Pakistan will steadily advance in building stronger governance structures.

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