



Analysis of Judicial Activism and its Impact on Parliamentary Democracy in Pakistan; Case Study of 2018-2022

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Abstract

This research study explores the concept of judicial activism and conducts analysis of the judicial activism taking by the judiciary of Pakistan, during 2018-2022. Judicial activism refers to the proactive role of the judiciary in addressing societal issues and promoting social justice, often with *Suo moto* notices, where the court takes cognizance of a matter on its initiative. The analysis has focused on the judicial activism and its impact on Parliamentary system of Pakistan. This research study has examined the key areas of intervention, such as parliamentary sovereignty, legislative inertia and political tension, disrupted power dynamics, policy making. This study has utilized qualitative research methodology, including an interview and comprehensive review of relevant literature. This research study found that excessive judicial activism has badly affected parliamentary democracy of the country. This research study recommends that the judiciary should play a balancing role and do not interfere with the legislative authority to have an effective parliamentary democratic system in the country.

Keywords: Democracy, Judicial Activism, Parliament, Supreme Court, Legislature

Introduction

The term "judicial activism" encompasses a wide range of concerns. Instead of basing their decisions on their own subjective opinions, judges should consider all relevant laws, rules, and regulations. If a judge uses his discretion to decide a case, it implies he does it in a way that is consistent with the law; yet, judges are still required to maintain objectivity and rule in accordance with the letter of the law (Akbar & Malik, 2019). Modern liberal democracies, according to political science scholars and researchers, especially those working in the field of judicial politics, rely on the independence of the judiciary (Khan & Virginia, 2021). Although defining and measuring judicial independence is challenging, most observers acknowledge the importance of distinguishing between *de jure* and *de facto* (Khan, 2016). There are a number of checks and balances in democracies that use the trichotomy of powers model to keep each branch's power from becoming too powerful (Munir et al., 2021). Indian institutions were modelled after their English counterparts. Among these noteworthy advancements was the implementation of the English-style core system in India. Additionally, subordinate courts, such as the courts of first

instance and first appellate courts, were established at the district level across British India (Khan, 2016).

A healthy democracy rests on the tenet of separation of powers among the legislative, executive, and judicial branches. Judicial activism is best understood if one has a firm grasp of the doctrine of separation of powers. According to Montesquieu, a state's autonomy is greatly threatened when various state organs combine their once distinct functions, as this could "expose the liberty of the citizens to arbitrary control". In order to maintain a balance of power and prevent the abuse of authority, democracies employ a system of checks and balances where the several branches of government oversee and control each other (Amir et al., 2022). On the one hand, dictators were emboldened to amend constitutions to solidify their positions as head of state, and on the other, biased rulings from the judiciary undermined democracy and impacted politics. Judicial activism is on the rise worldwide, especially in developing Asian countries. However, judicial activism in Pakistan is more prevalent than in other democratic states, leading to a shift from judicial activism to judicial excesses (Bazmi, 2022). Zafar (2019) argued that the Pakistani judiciary played a crucial role in the political system by: 1) establishing a "legal order" that ensured political stability in the country; 2) providing relief to Pakistani citizens despite the dictatorial rule of the military junta; 3) supporting the political forces that facilitated the transition from an authoritarian regime to democratic civilian rule; 4) resolving cases between the head of state and local governments; and 5) effectively handling attempts to overthrow democratic governments and addressing social issues in society. (Khan & Virginia, 2021).

The concept and Philosophy of Judicial Activism

Judicial activism refers to the expansion of the jurisdictional scope of the judiciary to fill gaps in legislation. The judiciary is responsible for delivering justice in a fair and unbiased manner, as the government's effectiveness relies on the impartial, independent, and effective administration of justice. The notion of judicial activism predates the actual name. The term "judicial activism" was initially employed in 1947. The word "judicial activism" was mentioned twice in judicial rulings throughout the 1950s. During the 1960s, it was documented on fourteen occasions. Arthur Schlesinger Jr. coined the term "judicial activism" in January 1947. He described each of the nine US Supreme Court justices in detail, drawing connections and contrasts between them. He grouped the judges into three camps: those who advocated for judicial activism, those who advocated for self-restraint, and the two in the middle (Munir Bakht, 2018).

Statement of the Problem

Beginning in 2018 and continuing through 2022, the purpose of this research paper is to investigate the impact that judicial activism has had on the parliamentary system in Pakistan. By investigating a variety of viewpoints and analyzing the results, the purpose of this research is to offer a deeper understanding of judicial activism and the impact it has on the political climate. In particular, the time span from 2018 to 2022 will be the primary focus of the investigation.

Research Objectives

- To find out the implications of judicial activism on Parliamentary system in Pakistan.
- To explore influence of judicial activism on the balance of power between the judiciary and legislature in Pakistan.

Literature Review

Akbar & Malik (2019) stated that to gain public trust through the fair administration of justice in matters of public policy and interest, Dahraj (2010) applauds fearless judicial activism that maintains the independence of the judiciary. The importance of judicial activism in a democratic society, he argues, is relative and dependent on the perspective and ideology of the individual. Judicial activism, in his view, exemplifies the judicial review doctrine in order to reduce the

perception of judicial activism, particularly in relation to political issues, and to resolve the obstacles to achieving this goal, the supreme and inferior courts must cooperate to achieve concrete results. Only then will the judiciary be able to fulfill its essential role as a support system for the nation.

Shabbir (2013) told that “Judging the State: Courts and Constitutional Politics in Pakistan” a book by Paula Newberg It is noteworthy in the literature as a significant scholarly analysis of the role and function of Pakistan's higher courts. Newberg (1995) argues that Pakistan's superior courts have upheld the British vice-regal system, which centralized power in the hands of the colonial governor. According to Newberg, Pakistan's higher courts consider it their responsibility to uphold the state by supporting military governance and have been requested to reinstate social stability during times of turmoil. Pakistan's superior courts acquired a robust sense of autonomy and independence by assuming and fulfilling this role consistently, which in turn fostered increased judicial intervention in political conflicts. She asserts that the judiciary played a more crucial role in ensuring Pakistan's existence as a nation compared to any other governmental branch. She argues that the parliament and executive's ineffectiveness also had a part lack this judicial function for two reasons. Initially, the courts started assuming duties and obligations that were not conventionally regarded as being within the purview of the judicial role. Furthermore, the court emerged as a widely sought-after platform for citizens to voice their grievances against state institutions, particularly the parliament and executive branch.

Lawyer Movement

Akbar & Malik (2019) states that the Musharraf-Iftikhar controversy changed Pakistani legal history. Iftikhar Choudhary rebuffed Musharraf's repeated demands to resign as Chief Justice. Musharraf reported Iftikhar Chaudhary to the Supreme Judicial Council and suspended him. A lawyer founded the Movement against Pervaiz Musharraf to protest his tyranny and illegality. Pakistani attorneys campaigned against Musharraf's dictatorship. He also states that Naveed Akhtar's unlawful incarceration at the start of the attorneys' movement—likely by the military—turned it into a military-lawyer rivalry. Everyone who knows him has attempted to help him but failed. Distinguished Supreme Court of Pakistan counsel Mian Muhibullah Kakakhel filed a writ case in the Peshawar High Court to release the lawyer from military detention.

Faqir et al (2013) analyze that abolition of military rule and the creation of the rule of law were central goals of the lawyers' movement. Goals two and three were the reinstatement of Iftikhar Muhammad Chaudhry as chief justice of Pakistan and the sixty justices unlawfully removed from office by Pervez Musharraf on November 3, 2007. He further says that Karachi violence resulted in the incineration of legal professionals, with no thorough investigation conducted. The Sindh High Court Bar Association accused the ruling party, while law enforcement officers used tear gas in 'Operation Zero Tolerance'. Experts believe Pakistan has entered a judicial crisis due to the suspension of the Chief Justice. Protests and boycotts have led to conflicts within the legal community, but the 1973 constitution remains a top priority.

They argued Pakistan's economy suffered since the government prioritized non-violent attorney solutions over jobs and business. Strikes and blockages hurt poor and everyday workers most. Pakistan's underprivileged don't wake up to Iftikhar Choudhry in a black suit and new car. Instead, they want a better life to support their family. They don't want highway closures or strikes that prevent work. A long march from Karachi to Islamabad via Multan and Lahore quickened in June 2008. A day-long public gathering in front of Parliament House in Islamabad announced demonstrators' demands, and they peacefully returned home. The judges' reinstatement has been elusive since then. The summer riots and protests killed and hospitalized several pedestrians and non-airconditioned vehicle occupants, notably lower-profile lawyers and their families, from heat exhaustion. Success! Musharraf was overthrown.

Methodology

Nature of the Study

The researcher has adopted the qualitative methodology to carry out the investigation. To gather qualitative data, interviews were held with individuals affiliated with the justice system, and the data analysis was done through open-ended questions.

Sample Size and Technique

Participants were chosen through purposive and convenient sampling to ensure their relevance and availability for the study.

Data Analysis

The data analysis will be conducted using thematic analysis, involving transcribing, manual reading, and understanding of participants' comments and talks.

Data Analysis and Discussion

Q#1: What are the implications of judicial activism on the Parliamentary system?

Theme 1: Disrupted Power Dynamics

Judicial Activism leads to adverse impacts on the parliamentary system which results in Shift in Power Dynamics. A significant alteration in the distribution of authority between the judiciary and parliament, where the judiciary assumes a more dominant role in shaping laws and policies, potentially encroaching on the traditional domains of the legislative and executive branches. In this connection Advocate Ghufran stated:

"Judicial activism can potentially shift the balance of power from the legislative to the judicial branch, allowing courts to make policy decisions that are typically the prerogative of parliament."

Another participant Advocate Mansoor revealed:

"Judicial activism can potentially upset the balance of power, leading to a democratic deficit and undermining parliamentary sovereignty."

The judiciary's expansion of its authority leads to an infringement on the powers of the parliament and executive, potentially undermining the separation of powers and the checks and balances essential to a healthy democracy. One of the participants, Advocate Ghufran unveiled:

"-----However, judicial activism can also be seen as an encroachment on legislative and executive powers, potentially destabilizing the political system."

Another participant Fazli Mabood advocate expressed:

"The judiciary has a duty to deliver justice. It is not their duty to see whether the road is built properly or not, the houses are not built properly..."

The same participant expressed his observation when Iftikhar Choudry was the chief justice of Pakistan, and he used excessive power of Suo motu:

"He used to take Suo moto action in every work which adversely affected the work of administration... The administration did not do their job, because they said that now the Chief Justice will call us again and ask us about it."

An overreach of judicial authority, potentially disrupting the delicate balance of power between the three branches of government, leading to a democratic deficit, and undermining the sovereignty of parliament, as the judiciary assumes a more active role in policymaking and lawmaking. The study participant Advocate Mansoor told:

"When the judiciary becomes overly active, it can disrupt the delicate balance of power, encroaching on the domains of the legislature and executive. This shift in power dynamics

can lead to a democratic deficit, as the judiciary begins to make policy decisions that are typically the responsibility of elected representatives."

The theme of Disrupted Power Dynamics reveals that judicial activism can significantly impact the parliamentary system, leading to a shift in power dynamics between the judiciary and parliament. This shift can result in the judiciary encroaching on the traditional domains of the legislative and executive branches, potentially undermining the separation of powers and checks and balances essential to a healthy democracy. Participants in the study noted that judicial activism can lead to the judiciary making policy decisions typically the responsibility of elected representatives, potentially destabilizing the political system and leading to a democratic deficit. The study highlights the importance of striking a balance between judicial activism and restraint to ensure the sovereignty of parliament and maintain the delicate balance of power between the three branches of government.

Theme 2: Policymaking

People in Pakistan are becoming more and more worried that judicial activism will lead to the loss of democratic principles and the concentration of policy making power in the courts. The judicial branch has been getting more and more into the areas of the legislature and executive branches. There is a democratic deficit because this goes against the basic ideas of elected democracy and separation of powers. On this participant one Advocate Mansoor says

"An activist judiciary may start making policy decisions, which is typically the domain of the elected representatives, leading to a democratic deficit."

Another participant, Advocate Ghufraan revealed:

"Judicial activism can potentially shift the balance of power from the legislative to the judicial branch, allowing courts to make policy decisions that may be seen as the prerogative of parliament."

Judiciary expands its authority to make policy, which is the work of legislative, due to which the work of legislative disturb. On which participant one Advocate Mansoor stated:

"The Judiciary has a duty to deliver justice. It is not their duty to see whether the road is built properly or not, the houses are not built properly, if once a case comes to them, it is their duty to solve it. He used to take sou moto action in every work which adversely affected the work of administration."

On this another participant Advocate Ghufraan states

"If the judiciary is perceived as overly activist, the legislature might become complacent, relying on courts to address issues rather than taking legislative action."

The theme of the Policy making revealed that judicial activism impacts the potentiality of the legislative branch of government. Participants in the study noted that judicial activism can lead to the judiciary making policy decisions typically the responsibility of elected representatives, potentially destabilizing the political system.

Theme 3: Legislative Inertia and Political Tension and Conflict

The judiciary's expanding intrusion into the legislative sphere has triggered a constitutional crisis in Pakistan, producing an environment of political tensions and disputes. By adopting an aggressive stance, the court has not only seized the authority of the legislature but also weakened its overall strength, resulting in a situation of legislative inaction. Participant one Advocate Mansoor stated:

"If the judiciary is perceived as overly activist, the legislature might become complacent, relying on courts to address issues rather than taking legislative action."

Another participant Advocate Fazli Mabood view as:

“The administration did not do their job, because they said that now the Chief Justice will call us again and ask us about it. He was rendered helpless in the performance of his duties. It affected the progress of the work of the administration. They lose their interest in the service.”

Legislatures lose their interest in their affair because they know that judiciary will fail our works. When court decisions and rulings determine policy and law, elected representatives are relegated to the role of passive observers, which intensifies political anger and leads to a stalemate. Advocate Mansoor says:

“Judicial activism can lead to increased tension between the judiciary, legislature, and executive, potentially destabilizing the political system.”

The theme of legislative inertia and political tension and conflict reveals that the judiciary interferes in the work of the legislature and does not allow them to do their work, the legislature will become lazy. This will have a bad effect on the public. Participants in this study noted that legislature cannot perform their duty because judiciary interfere in every work of legislation.

Q#2: How judicial activism influenced the balance of power between the judiciary and legislative branch in Pakistan during 2018-2022?

Theme 1: Expansion of Judicial Power, Suo Moto Notices

Pakistan's Supreme Court's rising reliance on Suo motu notices has marked a major shift in judicial authority. The judiciary's unparalleled assertiveness has allowed it to take on a more prominent role in government, often encroaching on executive and legislative realms. Perspective of Advocate Mansoor on this as:

“The Supreme Court of Pakistan, led by Chief Justice Saqib Nisar, took a more assertive role in shaping national policies and laws, encroaching on the domain of the legislative branch.”

Advocate Ghufraan says the same think about this:

“The Supreme Court of Pakistan, led by Chief Justice Saqib Nisar and later Chief Justice Gulzar Ahmed, adopted an assertive approach, taking Suo motu notices of various issues, including political corruption, electoral reforms, and parliamentary privileges.”

The Supreme Court's jurisdiction is expanding as it addresses a broader range of concerns, including corruption, terrorism, environmental degradation, and social justice. This is leading to a redefinition of the boundaries of judicial authority. As the Supreme Court acknowledges an increasingly broad spectrum of matters, including corruption, terrorism, environmental damage, and social justice, the limits of judicial power are being reinterpreted. The judiciary has assumed responsibilities that were not explicitly granted to them by the constitution. On which Advocate Fazli Mabood stated:

“It is the job of the Judiciary that when the law is made, it should review it to see if it is correct or not, it is not against the law. The judiciary repeatedly says that this law is not correct. They say that it is against the articles or against the constitution. It is not their duty to make policies or interfere in the work of the other two branches of government. But unfortunately, they do that. After which the legislature stopped further his work.”

Advocate Mansoor says that:

“The Supreme Court frequently took Suo motu notices on various issues, including political corruption, governance, and human rights, which sometimes led to the override of parliamentary decisions.”

On this Advocate Ghufraan stated that:

“The judiciary's activism has led to a perceived erosion of parliamentary sovereignty. The legislature's authority to make laws and oversee the executive has been challenged, with the court setting aside laws and legislative actions.”

The theme Expansion of Judicial Power, *Suo Motu Notices*, that the expansion of the power of judiciary is harmful for the legislative branch. Legislators evade their responsibilities. Due to judicial restrictions, they are unable to carry out their duties. The Judiciary exercises its power to take *Suo moto* notices of any conduct that affects the actions of the legislative branch. The participants in this study drew attention to the fact that the administration was miserable since the judiciary used to take *Suo moto* notices on every topic.

Theme 2: Parliamentary Sovereignty Challenged

Parliamentary sovereignty, the foundation of democracy, faces unprecedented challenges in the current political climate. The judiciary's aggressiveness, international law's growing influence, and executive power's rise are undermining parliament's supremacy in lawmaking and citizen accountability. On which respondent one Advocate Mansoor told:

“Judicial activism led to a reevaluation of parliamentary sovereignty, with the judiciary asserting its authority to review and strike down laws passed by the legislature.”

Advocate Ghufraan reveal:

“The judiciary's activism has led to a perceived erosion of parliamentary sovereignty. The legislature's authority to make laws and oversee the executive has been challenged, with the court setting aside laws and legislative actions. “

As Advocate Fazli Mabood said,

“The judiciary repeatedly says that this law is not correct. They say that it is against the articles or against the constitution. It is not their duty to make policies or interfere in the work of the other two branches of government. But unfortunately, they do that. After which the legislature stopped further his work.”

The theme Parliamentary sovereignty challenged reveals that judicial activism impacts the sovereignty of the Parliament. The Judiciary begun to intervene in the operations of the Legislature, which undermined the authority of the legislature. Participants in the study noted that as the lines between the legislative, executive, and judicial branches continue to blur, parliament is facing unprecedented challenges in exercising its sovereign authority.

Theme 3: Impact on Legislative Output

The impact on democratic governments' ability to pass laws is substantial when judicial authority begins to intrude on parliamentary autonomy. The legislative process is encountering unseen levels of uncertainty and postponement due to the growing assertiveness of the courts' power to examine and overturn laws. Politicians are fostering a more risk-averse and cautious attitude to policymaking because of the prospect of judicial override. Which participant one Advocate Mansoor told:

“The legislative branch became more cautious in passing laws, knowing that they could be struck down by the judiciary, leading to a decrease in legislative output.”

The judiciary's significant influence on legislative development from 2018 to 2022 increased contentious and polarizing laws. Judges have legislated from the bench, forcing their policy preferences on the nation by writing laws instead of interpreting them. Due to this, many controversial and politically charged verdicts have changed legal history. The judiciary's social initiatives have resulted in laws restricting individual rights and liberties, causing demonstrations and outrage. About this Advocate Fazli Mabood says:

“Advocate Fazli Mabood angrily says that when the new legislation is not made it will affect the welfare of the people, and the legislature branch is there to make laws for the

development of people. And they can't pass any single act, Aaaaah, and thus during 2018-2022 no single law is formed."

On this Advocate Ghufuran mentions an event that affected the legislative body during 2018-2022 are:

Another event mention by another participant Advocate Fazli Mabood as:

"The judiciary examined the government's COVID-19 pandemic response, including healthcare, quarantine, and vaccine delivery. Supreme Court Suo motu notices and hearings on pandemic response showed the judiciary's proactive approach to public health, influencing legislative and executive activities."

This clearly shows that the Judiciary had taken everything into its own hands. The judicial used to legislate itself and take notice of everything itself. The legislature had become useless because it could not do its job properly. When a machinery is lying like this, it becomes useless. In this way, the legislative body had also become useless.

Discussion

To find out the implications of judicial activism on Parliamentary system

Disrupted Power Dynamics: Accordingly, the findings explore that judicial activism results in disrupted power dynamics where the judiciary exploits the dynamics its own way.

The author (Faisal, Ashrad, 2023) says that the opponents argue that such authority encourages interference in governmental decisions that go outside their jurisdiction. The finding of my study is endorse with the finding of the study conducted by (Faisal, Ashrad, 2023) which argue that judicial activism interfere in the affair of legislature.

Policy Making: The findings explore that judicial activism results in the loss of democratic principles and the concentration of policy-making power in the courts.

The findings of this study endorse the findings of the study conducted by (Faisal, Ashrad, 2023). Which demonstrates that the impact of court intervention on policy development and management decision-making by the Executive, as well as the adverse effects of the high court's acts on the legislation branch and the laws' subjects, are seldom addressed. The study further argues that policy making, which is the responsibility of the legislative branch of government, has been taken over by the judiciary.

Legislative Inertia and Political Tension and Conflict: The study shows that judicial activity and legislative intrusion have caused a constitutional crisis in Pakistan, producing political tensions and disagreements.

Judicial activism has had a significant impact on politics through its biased rulings, leading to the destabilization of democracy. Additionally, it has provided an opportunity for dictators to manipulate constitutions to consolidate their power as the head of state. While the public has embraced judicial activism to address their issues and protect their fundamental rights, it ultimately undermines the overall stability of the country's system. This finding of my study as that judicial activism makes a conflict and creates tension between the other two parts of the government. Accordingly, the findings of my study are parallel to the findings of the study conducted by (Bazmi, 2022) which express that judicial activism cause destabilization in political system.

To explore influence of judicial activism on the balance of power between the judiciary and legislature in Pakistan during 2018-2022.

Expansion of Judicial Power, Suo Moto Notices: The study found that judicial activism in Pakistan increases judicial power and Suo motu notifications, confusing legislative and executive government organs.

The author (Bazmi, 2022) talk about the Suo moto notice, poor administration and legislature performance has increased judicial activism. Pakistani judicial activism has two phases. The first phase involves the judiciary engaging in government matters to uphold the law. The second phase protects people's constitutional rights, something other government institutions have failed to do. The Supreme Court of Pakistan has Suo moto authority under Article 184 (3) of the 1973 constitution. Which allows action to protect citizens' fundamental rights not to take the power of legislation into their own hands.

I compare my finding with the finding of (Bazmi, 2022) which is endorse with my finding, which clearly express that the use of Suo moto notices and the expansion of judicial power cause the disturbance between the legislative and executive branch of government. Suo moto notice given to the judiciary under article 183(4) of the constitution for the protection of human rights not for the interference in political sphere.

Parliamentary Sovereignty Challenged: The findings show that the current political atmosphere threatens parliamentary sovereignty, eroding its lawmaking and citizen accountability.

My finding is that judicial activism is a threat to Parliamentary sovereignty. Judiciary is important for democracy but exceeding his limit is a threat to the parliamentary system. As (Bazmi, 2022) also says that judicial activism is directly impacting the authority and independence of the parliament. The legislature in Pakistan serves to validate the judicial framework. Regrettably, the court in Pakistan has engaged in undemocratic practices that contribute to the erosion of the legislative process. My finding and the finding of Bazmi are similar and I agree with them, judicial activism harms Parliamentary sovereignty.

Impact on Legislative Output: Accordingly, the findings explore that in democracies, judicial activity breeds uncertainty, overturning legislation and obscuring the lines separating powers. The impact of judiciary on the output of legislative is define by the author (Justice, 2020) who says that Judicial Activism has significantly undermined the principle of separation of powers and has led to unwarranted exertion of authority. Through judicial activism, the court has the power to examine issues that fall outside of its jurisdiction and are typically the responsibility of the legislative and executive branches. **Swati Sharma**, an Indian researcher, has coined the term 'judicial overreach' to describe the potential for the judiciary to interfere in the affairs of the legislative and executive branches of the state. The legislative branch is responsible for policymaking, and the judiciary should not have any involvement in this area. Therefore, judicial overreach can create tensions among state institutions regarding the exercise of power. My research finding is completely in favor of (Justice, 2020) that judicial activism is the barrier in the way of legislative. It impacts the output of the legislative branch due to which the law-making process is weakened.

Conclusion and Recommendation

The researchers suggest managing judicial activism to prevent its negative impact on the legislative system and Parliamentary system. They suggest restricting judicial activism through constitutional amendments or legislation, creating clear limits between the two branches, and enhancing court efficiency. They also suggest implementing rules for judges prioritizing fairness, honesty, and openness, and robust accountability measures. They also suggest controlling Suo moto, reminding courts of their separation of powers and implementing a judicial accountability structure to ensure transparency and accountability. These recommendations aim to mitigate the harm caused by judicial activism and maintain the balance of power between legislative and executive branches.

Conclusion

The study Judicial Activism and its impacts on Parliamentary democracy in Pakistan during 2018-22 was focused on the objectives: To find out the implications of judicial activism on Parliamentary system; to explore influence of judicial activism on the balance of power between the judiciary and legislature in Pakistan during 2018-2022. The study's findings revealed that judicial activism adversely impact parliamentary democracy in the spheres, like; disruptive power dynamics, policymaking, legislative inertia, political tensions and conflict, judicial power, *Suo moto* notices, parliamentary sovereignty challenged.

This study is significant academically, practically and guides the policy as well. Academic significance includes contribution to the existing body of knowledge revealing the key challenges to parliamentary democracy in Pakistan. Improves comprehension of the interactions between the judiciary and legislative in Pakistan. Moreover, practical significance includes practical remedies to overcome judicial activism by addressing the identified areas/causes of the judicial activism. Further, the policy significance of the study encompasses effective policy formulation that limit judicial activism and promotes parliamentary democracy in the spoiled political landscape of Pakistan.

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