

COMPARATIVE ANALYSIS OF SUO MOTO ACTIONS UNDER JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY AND JUSTICE MIAN SAQIB NISAR: LEGAL AND CONSTITUTIONAL IMPLICATIONS FOR THE POLITICAL SYSTEM OF PAKISTAN

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ABSTRACT

This research paper presents a comparative analysis of suo moto actions taken by the Supreme Court of Pakistan under the leadership of Justice Iftikhar Muhammad Chaudhry and Justice Mian Saqib Nisar. The study explores the legal and constitutional implications of these actions on Pakistan's political system. Justice Iftikhar Muhammad Chaudhry's tenure is characterized by an assertive approach to suo moto actions, aimed at addressing corruption and administrative inefficiencies. In contrast, Justice Mian Saqib Nisar's approach, while also proactive, often focused on issues of public interest and accountability. This paper examines the impact of their respective suo moto actions on the judiciary's role in shaping political dynamics, the balance of power among state institutions, and the public's perception of judicial activism. By analyzing case studies and judicial reviews from both tenures, the paper highlights how these actions have influenced political stability, legislative oversight, and executive accountability. The findings reveal significant variations in the judicial strategies employed and their consequences for democratic governance in Pakistan. The study provides insights into the evolving nature of judicial interventions and their broader implications for constitutionalism and political integrity.

Keywords: Suo Moto Actions, Judicial Activism, Pakistan Politics, Constitutional Law, Supreme Court of Pakistan.

INTRODUCTION

The role of the judiciary in shaping political and constitutional landscapes is crucial in any democratic society. In Pakistan, the Supreme Court has periodically assumed an activist role through suo moto actions, which allow it to initiate cases on its own accord without formal petitions. This mechanism has been notably influential in the country's political and legal arenas. Two significant periods of suo moto activism are associated with the tenures of Justice Iftikhar Muhammad Chaudhry and Justice Mian Saqib Nisar, whose approaches and impacts on the political system of Pakistan provide a rich field for comparative analysis (Ahmed, 2007). Justice Iftikhar Muhammad Chaudhry, who served as Chief Justice from 2005 to 2013, is often remembered for his vigorous application of suo moto actions. His tenure was marked by high-profile interventions that sought to address issues ranging from corruption and judicial misconduct to human

rights abuses. Chaudhry's assertive approach was instrumental in shaping public discourse and influencing political accountability. His actions were viewed as a check on the executive branch, aiming to restore judicial integrity and strengthen democratic norms. However, his tenure also faced criticism for overreach, with some arguing that his interventions sometimes encroached on legislative and executive domains, thus complicating the balance of power among state institutions (Ali, 2010).

In contrast, Justice Mian Saqib Nisar, who served from 2017 to 2018, continued the tradition of judicial activism but with a focus on public interest matters and systemic reforms. Nisar's suo moto actions addressed a range of issues, including the management of public resources, educational reforms, and environmental concerns. His approach was characterized by a broader focus on societal issues and aimed at enhancing transparency and

accountability in governance. While his tenure also faced criticism, particularly regarding the perception of judicial overreach and the potential for political bias, it underscored the judiciary's role in addressing urgent public concerns and driving institutional reforms (Dawn, 2009).

This comparative analysis aims to explore the legal and constitutional implications of their respective *suo moto* actions. By examining the impact of their judicial interventions on Pakistan's political system, the study will illuminate how these actions have influenced democratic processes, institutional balances, and public perceptions of judicial authority. Understanding the nuances of their approaches provides critical insights into the evolving role of the judiciary in Pakistan's democracy and its implications for governance and constitutionalism (John, 2013).

ERA OF JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY

Justice Iftikhar Muhammad Chaudhry was the 20th Chief Justice of Pakistan. He belongs to Baluchistan. He started his career from Jamshoro, Sind doing LLB and then started practicing Law from the Quetta in 1974. In 1976 became the lawyer of Sindh high court and in 1989 CM of Baluchistan, Nawab Akbar Bughti appoint him Attorney General of Baluchistan. In April 1999, become the Chief Justice of Baluchistan. In 2002, when General Musharaf issued LFO, under this he took oath and become the Judge of the Supreme Court. On 30th June, Iftikhar Muhammad Chaudhry was appointed the Chief Justice of Pakistan by General Pervaiz Musharaf, after the retirement of Justice Nazim Hussain Saddique. He is also the youngest CJP and had the longest tenure. He is the only CJP who is removed from his office twice. The era of the Iftikhar Chaudhry is said to be the historical era of the judiciary. Analyst have a mix opinion on his career as the CJP, some label it as the golden period of the judiciary as it was doing decision without any fear or pressure, other have a view that it was the Judicial marshal law as in many cases the court was crossing its limits and jurisdiction (Ahmad, 2015).

Missing Person Case

The missing person case is one of the important and the sensitive case. The background of this case is that many people from different cities and different occupation went missing. They had been missing for

20, 30 years and there is no clue about them where they had gone and even whether they are live or died. There is authentic information that these are under the custody and are arrested by the intelligence services of state. "Asma Jahangir appearing for the Human Rights commission offered to provide irrefutable proof that the missing persons were in the custody of intelligence agencies" The relatives of the missing person went for the justice everywhere and knocked every government door and use every platform to gain justice. But remain hopeless and helpless. For the first time, the Supreme Court took *Suo moto* notice on this issue. Also this was the first time; a hope began for the relative of the missing persons. "The Court again asserted its independence in taking *suo moto* notice of enforced disappearances in the country in 2005, followed by taking up a petition filed by a national human rights organization, the Human Rights Commission of Pakistan (HRCP), on behalf of 'disappeared' persons, many of whom were from Baluchistan. In an unprecedented show of independence, Chief Justice Chaudhary, leading the bench, summoned high-level military intelligence officials before the Supreme Court and ordered them to explain the legal basis for the detention of the 'disappeared' persons. The Court also ordered the military to physically produce the 'disappeared' persons before the Court."

This was the first court who ordered strictly to the government to give the report to the Supreme Court about the missing person case. One thing is clear that it is not only the violation of the constitution to arrest someone without proven guilty but also inhuman act. Pakistan being an "Islamic Republic" our religion also not allowed arresting someone without any proof. Even the relative of the missing person claimed that if their loved one are involve in the criminal or terrorist activity, then trail should be held in the court and even if they found guilty they must be given punishment, but it is not fair to arrest someone without any information or put them under custody for 20, 30 years without any trail. Even they don't know if they are alive or had been killed by the state. Government claim that they are not under the custody of the state but, they stated in the court that they (missing person) had went to Afghanistan for Jihad and had been killed there. This justification of the government did not satisfied the judiciary, as the result supreme court took more strict action and even figured out the personalities of the government who are involved in this matter. "The

Chief Justice warned the former Additional Inspector General Police Tariq Pervaz, who then headed the Federal Investigation Agencies to produce the missing person, Hafiz Abdul Basit before the court or else be prepared to go to jail himself. The CJP made it clear in its preliminary exercise the court was concerned only with the release and accounting of the missing persons but would eventually give an authoritative pronouncement on the accountability of the intelligence agencies and the scope of their authority and lack thereof under the law. The apex court sent a clear signal to the country's powerful intelligence agencies that it would hold them accountable for the missing persons". This was the case that had brought anger in the government offices against the judiciary. The government started thinking that how to control the judiciary in fact the CJP Iftikhar Chaudhry (Dawn, 2010).

Pakistan Steel Mill Case

Pakistan Steel Mill Case (PSMC) gained very importance as the verdict was given against the Government and no one was expecting that the Supreme Court will go against the current powerful government. "In 2006, the Supreme Court took a bold step, passing a judgment that blocked the privatization of Pakistan's largest industrial enterprise – Pakistan Steel Mills Corporation (PSMC). Pakistan Steel Mills was being sold at a grossly undervalued price in a corrupt deal to a three-party consortium, which included army generals. A nine-member bench of the Supreme Court, led by Chief Justice Chaudhry, intervened exercising original jurisdiction, claiming '...a constitutional court would be failing in its duty if it [did] not interfere to rectify the wrong, more so when valuable assets of the nation are at stake'. The decision was highlighted with the news title "Supreme Court dumps Pakistan Steel Mill privatization deal." And even the opposition welcomed the Supreme Court decision terming it as a "courageous" and "historical decision" exposing government claims on transparency and good governance. This decision brings an alarming situation for the government of General Pervez Musharraf as they were getting fear from the judiciary. This was the point where the government made a blunder and a terrible mistake of making a decision to suspend the CJP Iftikhar Chaudhry. Whereas the apex court clearly defines its position that it is not the duty of the court but for the interest of the country they had to step in." Also

heartening to the note is the court's realization that it is not the function of the court, ordinarily to interfere in the policy-making domain of the executive". In a properly functioning and free democracy and with the government that truly works in a transparent manner, perhaps the case would never have reached the Supreme Court."

This was the case which forced the government to take some serious action against the "uncontrolled" judiciary. The government was now planning how to remove the Justice Iftikhar. As a part of this act, Barrister Naeem Bokhari (it is believed that he wrote the letter on the government's advice) wrote the letter to the government that CJP misbehaved with the senior lawyers; misuse his authority and many more. "Most of the charges listed against the Chief Justice were contained in a letter written by Naeem Bokhari to the Chief Justice, and circulated widely three weeks before the references. The lawyers felt that the Chief Justice was being victimized because of his judicial activism in cases involving violations of human rights, particularly in cases of political and public significance". The fact was that the government of General Pervez Musharraf was afraid of the independent judiciary (Express, 2015).

CJP Iftikhar Chaudhry Made Unfunctional

On 9th March 2007, the CJP Justice Iftikhar Chaudhry was called to the General Headquarters (GHQ), government claim that Justice Iftikhar requested the government for a meeting to discuss some judicial issues. General Musharraf asked Justice Iftikhar to resign and on his refusal, a reference was sent to the Supreme Judicial Council against him. On the same day he was made unfunctional and Justice Javed Iqbal was made acting CJP as the Justice Rana Bhagwan Das was on foreign tour. General Musharraf defended his decision that he had no personal differences with the Justice Iftikhar he said that he had only acted upon the government's advice on this matter and perform his constitutional duty by sending references against him.

On 20th July, the Supreme Court full court bench given a verdict in the favor of the Justice Iftikhar Chaudhry and restore him to his position of the 9th March 2007. This was not only the verdict given in the favor of the Justice Iftikhar but also a new phase of judiciary was started. There was a lot of hope and people started believing that now all their problems will be solved. Not only the civilian but also the

politicians were having a lot of hope from the CJP as they very well play their part in the Lawyers movement .There was a huge tasks before the new judiciary.

National Reconciliation Order (NRO)

President General Pervaiz Musharaf promulgated the National Reconciliation order known as NRO on October, 2007 to remove the traces of victimization of the past. It authorized the government to terminate the prosecution of holders of public offices between January 1986 and October 1999, who were unjustly implicated in criminal cases. This NRO was also perceived as a device for buying the support of certain, previously, hostile, political forces notable Benazir Bhutto and her party Pakistan People Party. Some analyst critics that it would accord preferential treatment to a specific group of persons, denying the same to others and thus their right to equal protection to the law. "The importance of the National Reconciliation Ordinance (NRO), the NRO case and the NRO judgment lies in the fact that it is not simply about the law but also about the unfolding of history and competing visions of democratic constitutionalism which have emerged in the Pakistani political sphere since 2007."

After the CJP restoration, an independent judiciary, a powerful and energetic opposition, an opposed civil society with free media Musharaf was losing control over the government and was in a pressure. In these circumstances, General Musharaf started looking for a political aid. "This 'law model' proposed the dismantling of the Musharaf regime through the courts and a democratic transition dominated by law and not political compromise. The PML-N was reborn and jumped onto the judicial band wagon. Benazir Bhutto was happy at the prospect of a weakened Musharaf but worried about the emergence of judico-politico power. Musharaf, of course, saw his political death." The Supreme Court took suo moto notice on this and it was clear that the Higher Court will declare NRO null and void. Now General Musharaf was more worried and does not want to see his political carrier ending (BBC, 2016).

New Phase of Supreme Court

The SC after twice gaining the independence and with full authority and public support was largely a public reprove to a government that was viewed as corrupt, ineffectual and unresponsive to the basic needs of the people of Pakistan. In fact it was also

true that everyone was having a full hope and believes in the Supreme Court. In the absence of an effectively functioning government, the people saw the Supreme Court and particularly the Chief Justice as their symbol of hope and justice. The Supreme Court embraced this new role. Shortly after his reinstatement, in May 2009, the Chief Justice remarked The 170 million people of this country have pinned hopes on the judges and lawyers and they have to prove their mettle in all fairness and with faithfulness so that people get rights guaranteed to them under conventions and statutes.

Disqualification of Prime Minister Yousaf Raza Gillani

On 12th June, 2012, three members bench headed by the chief justice Iftikhar Muhammad Chaudhry, disqualified PM Yousaf Raza Gillani on the charges of the contempt of court. As mention above the NRO case as the Supreme Court took the suo moto notice on this issue before the imposition of the emergency, this was the continuation of that case. As the Supreme Court declares NRO null and void, all the cases of the PPP reopened including the cases on the Asif Ali Zardari who was at that time was the President of Pakistan. The court ordered to open the cases and write letter to the Swiss Authority to give the detail of all the account of the Zardari. As part of its judgment, the Supreme Court directed the Government to restore Pakistan's position as an interested party in the money laundering proceedings in Switzerland against former President Zardari. The order from the Supreme Court became a major issue of contention between the Apex Court and the Government that eventually lead to a contempt of court conviction being entered against former Prime Minister Gillani for failing to enforce the Court's order. Former Prime Minister Gillani was made disqualified not only from Parliament but also from the Prime Minister seat. This was the case in which many seniors lawyers now started saying that the court is now crossing its limits and jurisdiction and now that it is the Judiciary dictatorship rule. "The supreme court has edged one step closer to a judicial dictatorship of sorts," said Cyril Almeida, a journalist. "The constitution is very clear about how the disqualification process is supposed to work and the court has quite extraordinarily brushed all of that aside and is making up new rules of the game as it goes along." Even in one of his interview after the PM Yousaf Raza Gillani was made disqualified show

concerns on the judicial activism that his government was unable to perform his duty properly as on one side there was the CJP Iftikhar Chaudhary and on the other side was the army Chief Pervaiz Kayani. He was being called to the court almost daily (Dawn, 2014).

ERA OF JUSTICE MIAN SAQIB NASIR

Justice Mian Saqib Nisar was the 21st Chief justice of Pakistan. He becomes the Chief Justice of Pakistan on 31st December, 2016 to 17 January 2019. Justice Saqib Nisar belong to Lahore, Punjab, did his matriculation from Cathedral High School and BA from the Government College Lahore in 1977. In 1980, did his LLB degree from the Punjab University. He started his career as the private practicing lawyer in the district court in 1980. In 2000, when General Pervaiz Musharaf issue PCO, Justice Saqib Nisar took the oath under the PCO and at that time he was serving as the Chief Justice of Lahore High Court. In February, 2010 he was nominated as the judge for the Supreme Court on the proposal of Justice Iftikhar Chaudhary, but the government rejected his proposal. Justice Iftikhar using his Judicial authority than nominate him as the Judge of the Supreme Court (Ghulam, 2018).

The time period after the retirement of the Justice Iftikhar Chaudhary and before the Justice Saqib Nisar, there remains a clam period, as not only the number of Suo Moto notices were decreased but also there was relaxation in the government offices too because they were not being called to the court for any of their unconstitutional acts. On 31st December Justice Saqib Nisar took the oath of the CJP. Under the Justice Saqib Nisar Supreme Court began a new and fresh episode of “Judicial Activism”. The Chief Justice Mian Saqib Nasir is not the first judge to seek a legacy of judicial activism. There have been others before him, including former Chief Justice Iftikhar Muhammad Chaudhary. Steps taken by Justice Nisar in this regard however go further than in any previous instance and he set new example by starting the new phase of Judicial ctivism.

If we compare the era of Justice Iftikhar with Justice Saqib Nisar, one thing is clear that Justice Iftikhar no doubt was an active judge but in giving surprise visits and giving judgments on the spot no one can match Justice Saqib Nisar in this matter. After Iftikhar Chaudhary, the country thought it had seen all that judicial activism had to offer, but that was not the case. Justice Nisar proved that there was much

further a ‘caring’ judiciary could go. Chaudhary showed the way with how Court Room Number One could create news by calling in officials, berating them and how this also went down well with the ‘public’.

Justice Nisar learnt the lesson well. The officials were soon being called back to the same room for a similar rap on the knuckles. But Justice Nisar wasn’t content with this; he wanted to tread his own path and he did – literally.”

He not only took suo moto notices but also paid surprise visits to the jails, hospitals, lowers courts, and other government institutions. These all will be discuss in detail.

Panama Case:

The Panama case was a landmark decision by the Supreme Court of Pakistan that disqualified incumbent Prime Minister Nawaz Sharif. On April, 2013, the Panama papers leaks documents of some prominent politicians, bureaucrats, businessmen, and others from all over the world having offshore companies. From Pakistan, according to the documents, the Prime Minister Nawaz Sharif children Mariyum Nawaz, Hussain Nawaz and Hassan Nawaz “were owners, or had the right to authorize transition for several companies. This refers to corruption case. The chairman of Pakistan Tehrik-e-Insaf Imran Khan demanded that government needs to look into the matter seriously, and also demanded suo moto notice on this matter. Supreme Court took suo moto notice on the Panama Papers. The lawyers of Nawaz Sharif fail to proved documents regarding the case, on 28th July 2017, the Supreme Court disqualified Prime Minister Nawaz Sharif (Ali, 2019).

Dam Funds:

The main purpose of the judiciary is to provide justice, implement human rights, and have a check and balance on the process of judiciary. “The constitution assigns the Supreme Court a unique responsibility of maintaining harmony and balance between the three pillars of the state namely legislature, executive and the judiciary. The purpose is to ensure the state organs perform their respective function under the stipulated limits and constraints”. As mention above that the era of the CJP Saqib Nisar was the era of judicial activism. Supreme Court has crossed its jurisdiction when taking suo moto notices in the executive matters like posting and transferring

of the bureaucrats, visiting other institutions but Justice Saqib Nisar give surprise to the nation when he started campaign for the construction of the dam. Justice Saqib Nisar announced that the Supreme Court will make the bank account for the funds for the construction of dams. Chief Justice Saqib Nisar motivated the nation to donate to the dam fund. When question were raised regarding the feasibility of crowd funding dams, Justice Nisar warned those who question the jurisdiction of the Supreme Court. The dam fund movement gain very importance and was also highlighted by the print and electronic media. People from different fields started donating for the dam funds, pays were being cut off from the government employees. Seminars were held, foreign tour were made by the CJP to raise funds for the dams. Special message from the government were telecasted on the electronic media and advertisement were published on the print media too. People do donate for the dam funds as the CJP gave them hope that he will make dam on every condition if he had to spend or work as the watch keeper on the spot of the dams. A full campaign was made for the dam construction.

Surprisingly, everyone got shocked and upset, when the Justice Saqib Nisar said that the dam fund was not for the construction of the dam but for the awareness about the importance of the dams in country. “At the Lahore Literary Festival, when Mr. Nisar was asked what he proposes as the way forward for the construction of the dams, given the gap between the required amount — a whopping Rs1.5tr — and the modest Rs9.8bn collected, he responded by saying the understanding was that the funds would be used to create awareness, and not for the actual construction of the dams.” A lot of discussion had been done on this issue. Analyst raise question on it that the first is that it was not under the SC jurisdiction and second when it was clear that the Dam Fund campaign was for the construction of the dam, than how it could be converted into awareness campaign.

Transfer of Bureaucrats:

Transfer and the posting or appointment of the bureaucrats is under the jurisdiction of the executive. Even during the period of Justice Iftikhar Chaudhary interfere in these matters. During the era of Justice Saqib Nasir, the Supreme Court was interfering in the matter of posting and transferring of the bureaucrats, among them was the case of the IG Sind. A.D

Khawajah. “The Supreme Court (SC) on Thursday dismissed appeals filed by the Sindh government and others against Sindh High Court’s (SHC) orders of permitting Sindh Inspector General of Police (IGP) Allah Dino (AD) Khowaja’s to continue as the Sindh IGP and declared that the appeals lacked merit”. A three-judge bench led by the Chief Justice of Pakistan (CJP) Mian Saqib Nisar conducted the hearing.

Fake Account Case

In 2017, fake account case issue was raised when the FBR gave legal notices to the bank accounts holders that they had millions and billions money in their account but they had not paid the taxes. The surprisingly news was that those people whom the notice were given they belong to the lower class and almost all of them were the labors, taxi drivers and students and hardly meets the both ends. They claim that they do not have any bank account. These fake accounts were mostly in Sind. Supreme Court took suo moto notice on this issue and claim that the money belong to the one of the most prominent political party of Sind and the money is coming from the other foreign countries.

Visit to the hospital, jails, and other institutions:

Chief Justice Saqib Nisar gave the new phase of judicial activism, besides taking suo moto notices, he also paid surprise visits to the many other institution. In his surprise visit he not only gave strict remarks and orders but also his attitude was very harsh. The raids on hospitals and schools by chief justices are also not unheard of in our history. What is new is their frequency and the absence of a strictly legal justification for them. The Chief Justice Mian Saqib Nisar appears quite animated during these raids — especially, for instance, when he recovered three suspect bottles and a few packets of cigarettes from a hospital room where a former Sindh minister and Pakistan Peoples Party legislator Sharjeel Memon was being kept in custody. In another raid on a private hospital in Lahore, he advised patients to leave the place as soon as possible. He also remarked that it was “better for the hospital to fire two bullets on the patients.

“In June, Justice Nisar paid a surprise visit to Larkana’s lower courts to observe their proceedings. In the same visit, he also visited Chandka hospital in the Sindh city.

While visiting city court-III though, the chief justice grabbed a session's judge's cell phone and flung it on his table. He then asked the judge of the cases he had heard since morning.

Separately, the top judge met different members of the lawyer fraternity and clarified that he would not be harassed by their protests and strikes."

Justice Saqib Nisar who liked to call himself "Baba Rahmta" a term he defines as the old man of the village having a lot of knowledge, experience and wisdom who can solve all the problems. He tries to prove himself Baba Rahmta by taking so many suo moto notices on each and every issue. This does not end over this, he also paying surprise visit to the hospitals, jails and other institutions. He also tries to solve the water crisis issue by starting a campaign for the construction of the dam fund. Analyst criticized that this action is not under the jurisdiction of the Supreme Court. Justice Saqib Nisar had given the new phase of judiciary and prove himself "Baba Rahmta" (Hamid, 2019).

Legal and Constitutional Implications for the Political System of Pakistan:

1. Impact on the Balance of Power among State Institutions

The principle of separation of powers is a cornerstone of democratic governance, ensuring that the executive, legislative, and judicial branches operate within their respective domains. Suo moto actions by the Supreme Court of Pakistan, particularly under Chief Justices Iftikhar Muhammad Chaudhry and Mian Saqib Nisar, have had significant implications for this balance.

During Justice Iftikhar Muhammad Chaudhry's tenure, the Supreme Court's suo moto interventions often encroached upon the executive and legislative domains. Chaudhry's proactive approach aimed to address issues like corruption, governance failures, and human rights violations, which were seen as requiring immediate judicial attention. For instance, his action against the government over the dismissal of a top judge highlighted his role in holding the executive accountable. However, this assertiveness led to concerns about judicial overreach, with critics arguing that such actions infringed upon the functions of the legislature and executive, thus disturbing the constitutional balance.

In contrast, Justice Mian Saqib Nisar's tenure, while continuing the trend of judicial activism, adopted a slightly different approach. His suo moto actions

were often oriented towards public interest issues and systemic reforms, such as addressing the water crisis and improving educational standards. While this approach was generally seen as addressing pressing societal needs, it also led to concerns about the judiciary's expanding role in areas traditionally managed by other state institutions. Nisar's actions, though less confrontational compared to Chaudhry's, still raised questions about the boundaries of judicial intervention and its impact on the separation of powers.

The legal implications of these suo moto actions reflect a complex interplay between judicial authority and the functions of other state institutions. While the judiciary's involvement in addressing immediate concerns is essential for maintaining accountability and upholding constitutional values, excessive judicial intervention can undermine the autonomy of the executive and legislative branches. This tension underscores the need for a clear demarcation of roles to preserve the constitutional balance of power (Jamil, 2020).

2. Influence on Legislative Processes and Parliamentary Sovereignty

The judiciary's role in initiating suo moto actions has also had profound effects on legislative processes and parliamentary sovereignty in Pakistan. The Supreme Court's interventions often prompt legislative reforms or oversight, thereby influencing the parliamentary agenda and decision-making processes.

Under Justice Iftikhar Chaudhry, suo moto actions led to significant legislative changes, particularly in areas where the Court identified systemic failures. For example, his interventions in the public sector corruption cases and administrative inefficiencies often pushed the legislature to enact or amend laws to address these issues. While this could be seen as a positive force driving legislative reform, it also raised concerns about the judiciary's influence over parliamentary sovereignty. Critics argued that the Court's actions sometimes bypassed the legislative process, leading to a perception that the judiciary was setting legislative priorities rather than merely interpreting and applying the law.

Justice Mian Saqib Nisar's tenure, while similarly influential, also reflected a nuanced approach to legislative engagement. His suo moto actions often highlighted gaps in existing laws and prompted parliamentary discussions on issues like water

management and healthcare. This approach aimed to foster legislative action through judicial oversight rather than direct intervention. However, even with this more collaborative approach, there remained concerns about the judiciary's role in shaping legislative agendas and the potential for diminishing the autonomy of the parliament.

The constitutional implications of these dynamics are significant. The principle of parliamentary sovereignty dictates that elected representatives should be the primary policymakers. While judicial oversight is essential for ensuring that laws and policies align with constitutional values, excessive judicial influence can undermine the democratic legitimacy of legislative processes. The challenge lies in striking a balance between judicial oversight and legislative independence to uphold the principles of democratic governance (Zia, 2019).

3. Effects on Executive Accountability and Governance

Suo moto actions by the Supreme Court have been instrumental in enhancing executive accountability and addressing governance issues. Both Justice Iftikhar Muhammad Chaudhry and Justice Mian Saqib Nisar used their positions to hold the executive branch accountable for its actions and inactions.

Justice Iftikhar Chaudhry's tenure was marked by a series of high-profile suo moto actions targeting executive malfeasance. His interventions included cases related to corruption, administrative inefficiencies, and violations of fundamental rights. For instance, his suo moto action against the government's handling of the lawyer's movement and the dismissal of judges demonstrated a commitment to holding the executive accountable for constitutional breaches. This proactive approach was aimed at ensuring that the executive adhered to legal and ethical standards. However, the assertiveness of Chaudhry's actions also led to criticisms of judicial overreach and concerns about the judiciary's role in directly influencing executive decisions.

Justice Mian Saqib Nisar's tenure, while continuing the focus on executive accountability, adopted a broader perspective that included public interest and systemic reforms. His suo moto actions addressed issues such as the water crisis, healthcare deficiencies, and educational reforms. This approach aimed to enhance governance by addressing systemic issues and promoting transparency. Nisar's actions were generally seen as less confrontational compared

to Chaudhry's, but they still raised questions about the extent of judicial intervention in executive functions.

The constitutional implications of these actions highlight the judiciary's role in promoting accountability and good governance. While judicial oversight is crucial for ensuring that the executive branch operates within constitutional bounds, excessive judicial intervention can disrupt the executive's ability to govern effectively. Balancing judicial oversight with executive autonomy is essential for maintaining effective governance and upholding democratic principles.

4. Impact on Public Perception and Trust in the Judiciary

The Supreme Court's suo moto actions have significantly influenced public perception and trust in the judiciary. Both Justice Iftikhar Muhammad Chaudhry and Justice Mian Saqib Nisar's approaches to suo moto interventions shaped how the public viewed the judiciary's role in governance and justice. During Justice Iftikhar Chaudhry's tenure, the Supreme Court's assertive approach to suo moto actions garnered substantial public attention and support. His interventions were often seen as a response to widespread public concerns about corruption and governance failures. This helped enhance the judiciary's image as a guardian of constitutional values and a check on executive excesses. However, the perception of judicial overreach and political bias also led to criticisms and concerns about the impartiality of the judiciary.

Justice Mian Saqib Nisar's tenure, with its focus on public interest issues and systemic reforms, contributed to a positive perception of the judiciary's role in addressing societal needs. His actions were often viewed as efforts to improve governance and address urgent public concerns. However, similar to Chaudhry's tenure, there were also concerns about the potential for judicial overreach and the impact of these actions on public trust in the judiciary.

The constitutional implications of these dynamics are significant. Public trust in the judiciary is essential for maintaining the legitimacy and effectiveness of the judicial system. While proactive judicial interventions can enhance public confidence in the judiciary's commitment to justice and accountability, concerns about overreach and bias can undermine this trust. Ensuring that judicial actions are perceived as impartial and aligned with constitutional

principles is crucial for preserving public confidence in the judiciary.

5. Role in Shaping Constitutional Norms and Judicial Precedents

Suo moto actions by the Supreme Court play a significant role in shaping constitutional norms and establishing judicial precedents. The decisions made during the tenures of Justice Iftikhar Muhammad Chaudhry and Justice Mian Saqib Nisar have contributed to the evolution of constitutional interpretation and judicial practice in Pakistan.

Justice Iftikhar Chaudhry's suo moto actions established important precedents in areas such as judicial independence, executive accountability, and human rights. His interventions often resulted in landmark judgments that clarified constitutional principles and influenced subsequent legal interpretations. For example, his actions during the lawyer's movement and the dismissal of judges reinforced the importance of judicial independence and the need for adherence to constitutional norms.

Justice Mian Saqib Nisar's tenure also contributed to the development of constitutional norms through suo moto actions addressing public interest issues and systemic reforms. His decisions in cases related to water management, healthcare, and education established new precedents in the judiciary's role in addressing societal challenges. These precedents have influenced how the judiciary approaches issues of public interest and systemic reform.

The constitutional implications of these precedents are profound. The judiciary's role in shaping constitutional norms and establishing legal precedents is crucial for interpreting and applying constitutional principles. However, the balance between judicial activism and restraint is essential for ensuring that these precedents uphold democratic values and constitutional integrity. The challenge lies in maintaining judicial independence while ensuring that judicial actions are aligned with constitutional principles and democratic governance (Khan, 2020).

CONCLUSION

Since its independence, Pakistan has faced numerous challenges, including unemployment, population issues, terrorism, and law and order problems. Many of these issues stem from internal neglect, corruption, and a lack of effective institutions. Personal interests have often been prioritized over national concerns, contributing to the country's

turbulent political landscape. Pakistan's history is marked by significant political instability. Prime ministers have faced arrests, disqualifications, and even capital punishment. Many politicians have risked their lives, with some being killed or going missing. Political figures who supported the state and voted for Pakistan have also faced violence. The political history is one of bloodshed and unrest. The military has played a controversial role as well, with military rulers often prioritizing personal interests over the welfare of the army and the nation. A notable example is the event of May 12, 2007, when Karachi became a battleground between rival political groups and the government failed to restore order. On this day, the city saw extensive violence, resulting in at least 34 deaths and over 140 injuries. President Arif Alvi, then a prominent political figure, highlighted this as a dark moment when the government was criticized for its inaction. The judiciary in Pakistan has also experienced its share of challenges. Historically, the judiciary has sometimes been used to legitimize unconstitutional actions by military regimes. The "Doctrine of Necessity," first used by Chief Justice Muhammad Munir in 1954, was employed to validate military takeovers and martial laws imposed by leaders such as Ayub Khan and Zia-ul-Haq. This pattern continued with General Musharraf's martial law in 1999.

The era of Chief Justices Iftikhar Muhammad Chaudhry and Saqib Nisar marked a period of significant judicial activism. The 2007 lawyers' movement, which opposed military rule, led to the end of the fourth military government and the restoration of democratic processes. This movement was instrumental in establishing an independent judiciary that could act without external influence from the military, the President, or Prime Ministers. The judiciary has since played a critical role in upholding democratic principles, as seen in recent cases where ministers, including former Prime Ministers Yousaf Raza Gillani and Nawaz Sharif, faced disqualification and contempt charges for criticizing the judiciary. However, the judiciary under Chaudhry and Nisar also faced criticism. Despite their activism, the lower courts remained inefficient, with a significant backlog of cases. According to the Law and Justice Commission of Pakistan (LJCP), there are still hundreds of thousands of pending cases, illustrating ongoing issues in judicial performance.

It is essential that judges, like all public officials, are held accountable. Chief Justice Athar Minallah of the Islamabad High Court emphasized that judges are not immune from accountability and must undergo rigorous scrutiny to ensure transparency and integrity within the judicial system. For Pakistan to progress, all office holders, including those in the judiciary, military, politics, and bureaucracy, must be held accountable and face serious consequences if found guilty of misconduct. As citizens, we must also play a role in fostering positive change. The Quran emphasizes that change begins with individual effort. To achieve meaningful progress, it is crucial for each person to contribute positively to society. While one individual cannot overhaul the entire system, collective effort can lead to significant improvements. By working hard, honestly, and contributing constructively, we can help make Pakistan a more developed and just nation.

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