

Q

"The growing judicial activism in Pakistan is clearly at the expense of parliamentary sovereignty and supremacy." Critically analyze the statement.

Answer: Introduction

"Judicial activism is an incursion in political affairs."

(Toqeer Hussain)

Judicial activism is an incursion in political system. Growing judicial activism in Pakistan is clearly at the expense of parliamentary sovereignty and supremacy. However, it has criticism on growing judicial activism. Thus, judicial activism is involvement in politics.

2. A brief account of judicial activism
"Judicial activism is

the extreme power of
judiciary to in
in political affairs."

(Oxford Dictionary)

Judicial activism is
the extreme power of judiciary. In
fact involvement of judiciary in political
affair leads to judicial extremism.
Thus, judicial activism is political
involvement.

3- Growing judicial activism in Pakistan
at the expense of parliament-
ary sovereignty and supremacy

Following is
discussion:

a) Judicial activism: political instability
in the supremacy of parliament

Judicial activism
is often used in political instabili-
ty. Unfortunately, Pakistan is facing

growing judicial activism due to growing political instability.

"Pakistani political parties are divided on the basis of diverse personal, political, and public interests."

↳ Mubeen Khatun,
Politicking in Pakistan,
2009

Thus, political instability leads to growing judicial activism.

b) Institutional failure and breakdown

Moreover, institutional failure and breakdown is also leads to judicial activism. Sovereignty of parliament is expanded by judicial activism.

"Pakistan ranks at 129th out of 140 in the institutional rule."

(The Global Justice

Report, 2023)

Thus, institutions breakdown prevails
judicial activism.

c) Weak role of political parties
and economic meltdown

Judicial activism
also suppress weak role of
political parties in economy. Unfortu-
nately, political chaos poses threat
to sovereignty of parliament.

"Personal political role,
not real political role
leads to economic
downturns."

(Fisbrat Hussain)

Thus, weak role of political parties
and economic downturns pave the
way for judicial activism.

4- Critical Analysis

Judicial activism
has following criticisms:

1) Judicial activism: political instability at peak

Unfortunately, judicial activism leads to political instability at peak. Pakistan is continually revolving in the cycle of extreme judicial activism.

"In 2022, judicial intervention in political parties led to topple down the PTI - government; consequently, political chaos increased."

(- Al Jazeera, Failure of political elite group, 2022)

Thus, judicial activism causes political instability at peak.

b) Lack of public trust in judiciary.
 Frequent judicial activism causes lack of public trust. People feel fear and suffer social turbulence.

"Pakistan ranks at the 125th out of 140th countries on fundamental rights justice..."

(Global Justice Index Report, 2023)

Thus, frequent judicial activism causes lack of public trust.

c) Risk of personal interests in judicial activism

Judicial activism is also at risk of personal interests. Frequent judicial extreme power is criticized on personal influence.

"Maulvi Tamiz Din case
is the supremacy of
executive in parliamentary
sovereignty."

(History of the
constitution of Pakistan)

Thus, judicial activism shows personal interests.

5. Conclusion

"Judicial activism is
an aim to
sovereignty of
politics."

(Fazul Bari)

Judicial activism is
an inclusion in political system.
Growing judicial activism in Pakistan
is at the expense of par-
liamentary sovereignty and supremacy.
Therefore, judicial activism is invol-
vement of judiciary in politics.