

The Impacts of Judicial Review Over the Sovereignty of the Parliament in Pakistan

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Abstract

This research paper investigates the Impacts of Judicial Review on the sovereignty of parliament specifically in Pakistan and generally in few other countries I.e. UK, USA and India. As The Constitution of the Islamic Republic of Pakistan, 1973 gives sovereignty to the Parliament, granting it the power to legislate for the Country. However, this authority comes with judicial restraint. The ability to legislate and repeal laws is vested with the parliament yet, the Constitution delineates that sovereignty ultimately resides in the people, with their elected representatives entrusted to legislate and execute laws. While the supremacy of the parliament is crucial, the courts must ensure its adherence to constitutional provisions and safeguard citizens' fundamental rights through judicial review. Constitutional provisions Article 8 and Article 227 establishes constraints on legislative power, declaring laws inconsistent with fundamental rights or Islamic injunctions/principles as ultra vires. Judicial review acts as a check on legislative overreach, ensuring laws align with constitutional norms and societal standards. In Pakistan, the judiciary, including the Supreme Court, High Courts, and Federal Shariah Court, wield powers of judicial review to validate or invalidate legislation. This study explores the impact of judicial review on Pakistan's parliamentary sovereignty, rooted in the Islamic concept of state, where sovereignty is derived from divine authority however exercised by the people. Amidst political upheavals and challenges to democracy, an independent judiciary serves as a bulwark against legislative excesses, upholding constitutional principles and protecting citizens' rights.

Keywords: *Judicial, Review, Sovereignty, Parliament*

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1. Introduction

The Constitution of Islamic Republic of Pakistan, 1973 has blessed the parliament with sovereignty but at the cost of judicial restraint. Parliament being the supreme institution of a state is responsible for making laws to run the affairs of the state. The sovereignty of the parliament has better been defined in the words of Dicey, “the right to make or unmake any law whatever; and further, that no person or body is recognised by the law of England as having a right to override or set aside the legislation of Parliament.” It has been stressed by AV Dicey in an elaborate yet emphasizing manner that the parliamentary sovereignty has been divided into two main characters. In essence, thus as stated by Dicey, the parliament has been empowered to choose between laws and to make and unmake laws for a country. While it has been stressed that parliament has the

right to make laws no other power or person has been equipped with the power to unmake or promulgate any law. (Rana, Parliament and judicial review, 2022) Constitution being the supreme law of land determines rights and duties of people and institutions as well. According to the Constitution, powers in the stately entity will be vested with the elected representative of the individuals. It has been stated by the constitutions that the sovereignty or for that matter the powers to run the state are vested in the people. Thus, the rights as well as the duties of the people at large are being defined and protected by the representatives of the government and as such the people are being ruled by their representatives in representative character. The powers to legislate and execute laws are vested in the people's representatives. (Rana, Legislation and Judicial Review, 2021) The parliament being the supreme institution of the country should be respected.

The courts should also acknowledge the supremacy of the parliament and abide by the same unless there is some clear violation of the provisions of the constitution and the same makes the operation of the constitution ultra vires or clear case is made out where fundamental rights of a citizen are violated. However, the importance of judicial review cannot be avoided. When a specific provision of law or the law in whole has any defect in the terms that the same is in conflict with the provisions of Constitution or Islamic injunctions, the Constitutional Courts have been empowered to declare the same as ultra vires and thus its operation ceases from the day, this is, in essence, termed as Judicial Review. It is the constitution that has given the higher Superior Courts the power to order to impose certain limitations on the powers of the parliament in the larger interest of the state. If the parliament is left without any such restrictions, then it may affect the valuable rights of the citizens by passing such laws which would be detrimental to the fundamental rights provided by the supreme law of the land. The provincial as well as federal legislatures of the country have been constrained by the Constitution, the most important of which is the limitation of laws in disregard of the constitution of the country so that the same may not be in conflict with the constitutional provisions. In this regard, the very Article 8 of the Constitution of Islamic Republic of Pakistan, 1973 is very clear regarding declaring any law as ultra vires and of no legal effect by stating that no law, usage or custom in violation of the fundamental rights enshrined in chapter 2 of the Constitution shall to the extent of such repugnancy be void and ultra vires. (Zaidi, 2009) Another restriction that the constitution has imposed on the parliament is given under Article 227. In addition, any law which is against the Islamic injunctions has also been termed as ultra vires and cannot be promulgated. The above Articles of the constitution have further been appended by article 227 of the Constitution stating that any laws which are in force at the time, if they are against the basic tenets and injunctions of the Islam, shall be termed as ultra vires and illegal and no laws which are against the basic character and impression of the Constitution shall also be declared as void. It is through these limitations that the Constitutional Courts have been vested with the jurisdiction and power to invalidate laws passed by the legislature if the same are against the acceptable norms of the limitations set by the constitution itself.

2. Scope & Significance:

This paper will discuss the idea of parliamentary sovereignty and Judicial Review as well as the impact of judicial review over parliamentary sovereignty. It will not only let us know the intent of the legislature why judiciary has been given the power to review the laws being legislated by the parliament but also the relationship between both the concepts. It will also tell us about the consequences if the apex courts do not exercise the power of judicial review in case the parliament makes an unconstitutional amendment or law.

3. Judicial Review and Parliamentary Sovereignty

Constitutional law, the collection of principles, theories, and customs that control how political societies function is a branch of law dealing in the governance of a country. The state has historically been the most significant political community in contemporary times. The concept that the state must defend a person's fundamental rights and nationalism are the parents of modern constitutional law. (David et al 2023) The corpus of constitutional law has grown along with the number of states, however occasionally this legislation has its roots outside of state borders. Conversely, from the middle of the 20th century, supranational institutions have made the defense of individual rights their top priority. A constitution, in its widest definition, is a set of regulations guiding the activities of a formal organization. A labor organization, social club, religious congregation, or parliament may all function in accordance with the provisions of a legally written instrument known as a constitution. The organization's constitution does not include all of its regulations; several additional rules, such as bylaws and traditions, also apply. The rules outlined in the constitution are fundamental, in that all other regulations must abide by them until they are amended in accordance with the proper procedures. Therefore, if a law violates a clause in the constitution, the judiciary may be required to declare it out of order.

4. Judicial Review: its meaning and purpose

Judicial review is the process by which Constitutional Courts assess whether the administrative and legislative branches of government are acting in accordance with the constitution. Decisions deemed incoherent are deemed unconstitutional and, as a result, void. The mere existence of a constitution that is written is necessary for the functioning of review by the courts in this sense. The term "judicial review," as it is commonly used, is actually more appropriately defined as "constitutional review," since Constitutional Courts have long been reviewing administrative agency decisions without needing either a written constitution or the authority of courts to declare such decisions to be unconstitutional. Using criteria of rationality and misuse of discretion, this type of "administrative review" evaluates the purportedly dubious acts of administrators. Courts exercising conventional or constitutional judicial review declare challenged administrative actions null and void if they find the action was unreasonable or involved an abuse of discretion. (C. Neal Tate 2023). They also declare actions that contradict the constitution's demands null and void. Even in cases when a court lacks the authority to declare government agency actions unlawful, it can still accomplish the same goal through "indirect" judicial review. In certain situations, the court declares that because a contested rule or conduct conflicts with certain other laws or accepted legal principles, it could not be considered intended by the legislature.

5. Importance of Judicial Review

In the realm of constitutional law, the dynamic interplay between Judicial Review and Parliamentary Sovereignty stands as a cornerstone of modern democratic societies. These two concepts play very important roles in upholding the rule of law, human rights protection, and also maintaining the balance of power. Judicial Review acts as a watchdog to prevent the misuse of public authority. Its main responsibility is to safeguard people's rights by making sure that government acts are compliant with the constitution (Anthony 1994). Judicial Review keeps a check and tries to erase the possibility of tyranny of the legislative and executive branches. Furthermore, Judicial Review also helps in understanding the constitution. Through judicial review court construe and implement the constitution in its true spirit and also to implement the constitution in its true spirit and also to promote uniformity and flexibility in response to Chan social mores. It also guarantees government officials accountability and forces them to maintain an environment where legal decisions are ensured. In addition to being a watchdog for accountability, judicial review provides an opportunity to individuals to challenge and contest

unlawful laws and administrative acts. Judicial review provides a mean for judiciary to actively participate in monitoring of government acts, which strengthens the working of democratic government.

6. Importance of Parliamentary Sovereignty

Along with Judicial Review, Parliamentary Sovereignty is a fundamental tenet of democratic legitimacy. Laws being enacted by the people's chosen representatives in Parliament clearly shows the wishes of the people, makes the very fundamentals of democracy. It guarantees stability in politics and provides prompt response to peoples demands through leniency for fast legislative response to social developments. By the very nature, parliamentary sovereignty enables it for legislature to amend laws in response to the contemporary conditions without going through the complex process of modifying or amending the constitution. This distinctive compliance makes a legal system to be lively and receptive, satisfying the ever-changing demands of people. It offers dogmatic stability through a precise and well-distinct legislative procedure. For the reason of this clarity, lengthy judicial fights over the validity of laws are evaded, giving democratic establishments a solid base on which to operate. Fundamentally, parliamentary sovereignty holds that the legislature, which speaks for the people, is the only entity having the ultimate power to make, modify, and repeal laws without interference from other state institution.

7. Legal basis of parliamentary sovereignty

The historical occurrences that influenced the formation of the constitution serve as the foundation for the legal doctrine of parliamentary sovereignty. The formation of a constitutional monarchy during the Glorious Revolution in 1688 and the Bill of Rights that followed in 1689 played a crucial role in securing the power of Parliament. The legal concept that recognizes Parliament as the supreme legal authority was established because of these historical turning points. The connection between parliamentary sovereignty and unwritten constitutions is one of its distinguishing characteristics. The UK depends on legislation, legal precedents, and constitutional norms in the lack of a single, codified text. The freedom afforded by the constitution enables Parliament to exercise supreme legislative authority free from the limitations placed on it by a formal, written constitution (Jeffrey 2010). The idea of legislative supremacy is the fundamental basis of Parliamentary Sovereignty law. This states that all other legal sources are superseded by the enactments of Parliament, which is the ultimate legal authority. Laws enacted by Parliament cannot be overruled or declared invalid by any other authority, including the courts. This idea, which was inspired by past battles for legislative power, is a vital part of the foundation.

The idea that Parliament gets its legitimacy from the permission of the people is a fundamental tenet of parliamentary sovereignty. People give their MPs in Parliament authority through democratic procedures like elections. The notion that legislative choices represent the will of the people is strengthened by the election mandate, which acts as a foundational legal document. The legal system's adaptability is inextricably related to the legal foundation of parliamentary sovereignty.

8. Limits on Parliamentary Sovereignty

In many constitutional systems, Parliamentary Sovereignty serves as the cornerstone of legislative authority, stating that the legislature has the ultimate and absolute power. Even then, there are several lacunas to this idea. The first layer of limits and restrictions is provided by constitutional restraints. Certain clauses are protected from legislative interference by entrenched provisions in nations with written constitutions. Changing legal customs and traditions can impose limitations even in unwritten constitutional systems, indicating a departure from the conventional absolutism linked to parliamentary sovereignty (Jeffrey 2010). A significant constraint on Parliamentary

Sovereignty stems from the increasing interdependence of countries. Treaties and international law are essential in determining the limits of legislative authority. International agreements and standards must be adhered to by parliamentary measures in order to avoid being constrained by such commitments. The needs of worldwide agreement must take precedence over Parliament's once-absolute authority as nations participate in more and more global collaboration.

One of the most important constraints on parliamentary sovereignty is the preservation and ensuring of individual rights. Human rights commitments have led constitutional democracies to exclude some rights from legislative modification and infringements. In their interpretative capacity, courts protect these rights by dismissing legislation that violates people's basic liberties.

9. Relationship between Parliamentary Sovereignty and Judicial Review

The interaction between parliamentary sovereignty and judicial review is a complex and important feature of constitutional government, importantly in legal systems where both the concepts have a long history. Basically, Parliamentary Sovereignty ensures that the legislature is the highest authority and may devise laws on its own without intervention from other parties as it represents the will and choice of the people subject to Legal Limitations.

On the other side, the court has under the power of judicial review the authority to analyze and check the functions of the legislature and administration to confirm whether they are following the principles of the constitution or not.

10. Judicial Review in Pakistan:

The Constitution of Islamic Republic of Pakistan empowers Supreme Court and High Court to exercise the power of Judicial Review under Articles 184(3) and 199 respectively. The Superior Courts have the jurisdiction to keep check and balance on the Parliament. The Parliament whenever passes an Act, if the same is against any provision of the Constitution, it can be challenged in the High Court or Supreme Court.

10.1. Power of Judicial Review of the High Court:

Under Article 199 of the Constitution of Islamic Republic of Pakistan has granted powers to the High Court to decide matters relating to fundamental rights. It has also granted powers to the High Court to deal with matters pertaining to the Acts passed by the Parliament or Provincial Assembly. Article 199 has been reproduced below:

- “(1) Subject to the Constitution, a High Court may, if it is satisfied that no other adequate remedy is provided by law,-*
- (a) on the application of any aggrieved party, make an order-*
 - (i) directing a person performing, within the territorial jurisdiction of the Court, functions in connection with the affairs of the Federation, a Province or a local authority, to refrain from doing anything he is not permitted by law to do, or to do anything he is required by law to do; or*
 - (ii) declaring that any act done or proceeding taken within the territorial jurisdiction of the Court by a person performing functions in connection with the affairs of the Federation, a Province or a local authority has been done or taken without lawful authority and is of no legal effect; or*
 - (b) on the application of any person, make an order-*
 - (i) directing that a person in custody within the territorial jurisdiction of the Court be brought before it so that the Court may satisfy itself that he is not being held in custody without lawful authority or in an unlawful manner; or*

(ii) requiring a person within the territorial jurisdiction of the Court holding or purporting to hold a public office to show under what authority of law he claims to hold that office; or

(c) on the application of any aggrieved person, make an order giving such directions to any person or authority, including any Government exercising any power or performing any function in, or in relation to, any territory within the jurisdiction of that Court as may be appropriate for the enforcement of any of the Fundamental Rights conferred by Chapter 1 of Part II.

(2) Subject to the Constitution, the right to move a High Court for the enforcement of any of the Fundamental Rights conferred by Chapter 1 of Part II shall not be abridged.”

Clause 1(c) of the said Article provides jurisdiction to the High Court to make any order if the matter is in respect of fundamental rights. In most of the cases, Acts passed by the Parliament are against the fundamental rights; therefore, they are challenged in the High Court under this very Article.

10.2. Power of Judicial Review of the Supreme Court:

The Supreme Court of Pakistan has the authority to intervene in issues related to the protection of fundamental rights, as outlined in the Constitution. The statement asserts that the Supreme Court has the authority to make orders similar to those outlined in Article 199 when it concludes that a public problem related to the enforcement of fundamental rights is at stake. Article 199 delineates the jurisdiction of Pakistani High Courts. High Courts have the ability to intervene and provide orders to individuals or organizations, including governments and governmental bodies, to uphold fundamental rights in their area of jurisdiction when requested by a party who has been wronged. These provisions aim to ensure the protection and maintenance of the fundamental rights outlined in the Constitution. Article 199 pertains to the jurisdiction of the High Courts, while Article 184(3) specifically addresses the original jurisdiction of the Supreme Court. Both aim to safeguard fundamental rights. If an Act is passed by the Parliament which is either against the fundamental rights or any other provisions of the Constitution, the same can be challenged in the Supreme Court. The Supreme Court has the power to judicially review the same Act and declare it null and void. Article 184 has been reproduced below.

“(1) The Supreme Court shall, to the exclusion of every other court, have original jurisdiction in any dispute between any two or more Governments.

Explanation.- In this clause, "Governments" means the Federal Government and the Provincial Governments.

(2) In the exercise of the jurisdiction conferred on it by clause (1), the Supreme Court shall pronounce declaratory judgments only.

(3) Without prejudice to the provisions of Article 199, the Supreme Court shall, if it considers that a question of public importance with reference to the enforcement of any of the Fundamental Rights conferred by Chapter I of Part II is involved have the power to make an order of the nature mentioned in the said Article.”

11. Comparative Analysis with UK, USA and India

Judicial review has been considered as an essential for constitutional development, which yields the courts with power to go through the constitutionality and otherwise of a constitution and so that the constitutional principles are followed in letter and spirit. The constitution of Islamic Republic of Pakistan 1973 which regulates the governance and political system of Pakistan which has also constituted the legal system as an independent one and thus has empowered it to interpret and enforce the essence of constitution and various provisions therein regulate the procedure to be applied by courts in Pakistan. To apply the legislative measures, executive decisions, and other governmental activities, the Supreme Court of Pakistan has been empowered by the Constitution under Articles 199 and 184(3) to apply judicial review for the purposes. The provisions regarding the judicial review contain the boundaries which shall be respected such as the law being Islamic in nature, subject to the other provisions of constitution such as fundamental rights.

11.1. Judicial Review in USA

The constitution is the most important document in a republic with a written constitution because it contains the fundamental ideas, basic shapes, and guiding principles. It functions as a tangible object of governance, guaranteeing unimpeded ubiquity and consistent application in a limited government political society. The founders of the US Constitution intended it to administer state activities as best they could within the constraints of a fragile power system, and it captures both the national vision and a workable plan of action. According to prominent jurist Hans Kelson's pyramidal structure, all other statutory enactments, rules, and laws are positioned under the constitution at its peak (Presser, 2001). According to this viewpoint, the constitution, which is supreme, serves as the "grund norm" from which all other legal documents gain their legitimacy and legal force. This norm's premise is necessary to make laws that are legitimate, and the legitimacy of the constitution depends on the support of the people; a constitutional system can only be overthrown by a victorious revolution (Corwin, 1914). The legitimacy of any additional legal enactments is called into doubt if the constitution is revoked, amended, or lost. As a result, maintaining the "grund norm" is essential to the long-term viability of a system of law, and the court is charged with upholding constitutional conformity through the process of judicial review.

11.2. Judicial Review in United Kingdom

In the UK, judicial review is a constitutional procedure wherein the judiciary evaluates the legality of Acts, judgments, or omissions by the government. It acts as an essential check to make sure public officials respect the law, behave within the bounds of their authority, and act in a fair and lawful manner. Rather than being expressly outlined in a written constitution, the judicial review procedure is largely grounded in common law concepts.

11.3. Development of Judicial Review

The development of what is presently known as positivism may be observed starting in the 16th century, with Hobbes' interpretation of the law as a tool of social control supported by authority being the most notable example. A few judges had articulated the utopian belief that legislative authority might be subordinated to common law reason, and that laws may be overturned if they went against the moral foundation of the common law. Nevertheless, it is questionable if these court rulings, similar to the present modified ultra vires, were just intended to serve as guidelines for interpretation (i.e., judges should interpret legislation as closely as feasible to common law reasoning). Following the Restoration, Parliament developed into a stronger and more representative body. The latter 17th and beginning of the 18th centuries saw the adoption of the works of commentators like Locke and Montesquieu as the standard for creating contemporary constitutions. These works belonged to the idealism school, which held that the morally acceptable circumstances under which power might be acquired and exercised, rather than the actual reality

of power, defined authority. The extent to which these constitutional amendments influenced the formation of administrative law as it exists now is debatable. Judges may have been persuaded to extend the inherent supervisory power to recently established public entities by ideas of a more fair constitution. However, with its emphasis on individual rights, this jurisdiction may be considered as predating contemporary constitutional rhetoric when it is seen as enforcing justice for the person in the service of the greater good when no other legal option is available or suitable. According to the contemporary constitutional theory, judges may invalidate primary legislation if it conflicts with fundamental rights and principles (Siegel, 2018). This process is known as constitutional review. There is disagreement about whether constitutional judicial review falls under the inherent supervisory authority of common law. Even though this problem has significant constitutional implications, some senior judges prefer it to be "academic."

11.4. Judicial Review in India

Judicial review vests with the Supreme Court of India to regulate the process of check and balance over the parliament. The right to use this power is granted to the Supreme Court of India and the High Courts. Articles 32 and 226 of the Indian Constitution, which was ratified in 1950, are the main sources of authority for judicial review. The constitution contains a reference to the division of powers. As a separate body, the judiciary uses judicial review to make sure the legislative and executive branches' activities are held accountable. India maintains the idea of separation of powers, just like Pakistan does. The judiciary supervises the other departments' operations in its capacity as a custodian of the constitution. In Pakistan, disputes pertaining to constitutional interpretation and violations of basic rights can be heard by both the High Court and the Supreme Court under extensive authority. They are able to examine executive, legislative, and administrative acts. Under Article 32, the Supreme Court retains original jurisdiction over cases involving the protection of fundamental rights. Article 226 grants jurisdiction to High Courts. Both are able to assess whether legislation are constitutional or executive.

Pakistan's Constitution provides basic rights, which are vitally protected by the court through judicial review. The judiciary, especially the Supreme Court of India, has been crucial in interpreting and defending these liberties through judicial review.

12. Recent Judgments and Constitutional Interpretation

In Pakistan's political and legal spectrum, Article 63 of the Constitution is still a controversial issue that is often under hot debates. Below is a crux of some imperative recent rulings and how they affected legal review and constitutional interpretation. Reference by the President to Article 63-A (2022): A five-members Bench of Supreme Court interpreted Article 63-A, which addresses legislator relinquishment, in May 2022. Whether the votes of members who abandoned should be tallied was at issue in this case. Their ballots would not be enumerated, the majority decided, sparking controversy and political unrest. Another issue is that if the Supreme Court declared in 2020 that those candidates who have dual citizenship are allowed to contest election if they have left their foreign citizenship. However, there are still ambiguities in this regard because in the case of Mustafa Kamal (Muhammad Salman Khan Baloch (Adv) (Petitioner) VS Syed Mustafa Kamal & Ors (Respondent), Const. P. 265/2020 (D.B.) Sindh High Court, Karachi), his disqualification has been upheld due to his dual citizenship. These examples show how this sentence is the subject of unstoppable discussion and shifting interpretation. The discussion focuses the need of: More precise rules and uniform execution of the article in all situations. It can maximize public trust by providing thorough rationale and explanations for disqualification judgments. It is critical to

maintain a balance between upholding ethical leadership and defending individual rights, such as the right to free expression.

12.1. Zafar Ali Shah & others Vs General Pervez Musharraf & others (PLD 2000 SC 869)

In this judgment, the principles regarding judicial review as well as the scope of judicial power in Pakistan have been highlighted. A major query before the court was whether the PCO has any effects on the power of the judiciary and judicial review. The court held that “Judicial power means that the superior Courts can strike down a law on the touchstone of the Constitution. The nature of judicial power and its relationship to jurisdiction are all allied concepts and the same cannot be taken away. It is inherent in the nature of judicial power that the Constitution is regarded as the supreme law and any law or act contrary to it or infringing its provisions is to be struck down by the Court in that the duty and function of the Court is to enforce the Constitution.”

12.2. Munir Hussain Bhatti’s case in Supreme Court of Pakistan, (Const.P.10 of 2011)

In Munir Hussain Bhatti Advocate and another vs Federation of Pakistan and another, before the Supreme Court a key question regarding the 19th Amendment: could the Parliamentary Committee (PC) challenge the Judicial Commission's (JC) decisions on High Court judges' appointments? When the Parliamentary Committee rejected the extension of four Lahore High Court judges' probation based on the Chief Justice's comments, it triggered a legal battle.

In its verdict, the Supreme Court upheld the Judicial Commission's role in technically assessing judge suitability. Once the JC evaluates a candidate, its recommendation holds sway. However, The Court stressed that the PC could dissent only with exceptionally robust reasons, subject to judicial scrutiny.

This ruling underscored the Judiciary's supremacy in safeguarding the integrity and independence of the judicial appointment process, clarifying the balance between the roles of the Judicial Commission and the Parliamentary Committee.

12.3. Deputy Speaker Ruling case: (PLD 2022 SC 290)

A resolution of vote of “No Confidence” was moved against the then Prime minister, Imran Ahmad Khan Niazi in the National assembly however the Deputy Speaker turned down the same. It was challenged in the Supreme Court. The Supreme Court addressed the legality of the Deputy Speaker's decision in the National Assembly regarding a vote of no-confidence against the Prime Minister. The Court observed and declared the Deputy Speaker's ruling as against the constitution. The Supreme Court also declared subsequent actions, including the dissolution of the Assembly, as unconstitutional and of no legal effect. Resultantly, the Assembly and its members were restored to their positions as of the date of dissolution. The Court directed the then Speaker to reconvene the Assembly Session without any delay and conduct its business according to the scheduled agenda. The Speaker was restrained from postponing the Assembly’s sessions except under certain circumstances, such as the failure of the no-confidence resolution or the election of a new Prime Minister. If the resolution passed, the Assembly was directed to elect a new Prime Minister without any delay. Additionally, the Federal Government was instructed not to obstruct Assembly members from attending and participating in the session. The Court's previous order, subjecting actions by the Prime Minister and the President to the Court's authority, was reaffirmed, and the same applied to the Speaker until the specified actions were completed. "Any order by the Prime Minister and the President shall be subject to the order of this Court shall continue to be operative and remain in the field, subject to this amplification that it shall apply also to the Speaker till the aforesaid actions are completed.”

13. Conclusion and Recommendations

The research thesis has thoroughly analyzed the complex structure of the judicial review and its impacts on the sovereignty of the parliament in Pakistan. It has discussed many models of different countries and did a comparative analysis. It includes the model of the United States, United Kingdom and India.

The investigation of the intricate connection between the independence of judiciary and the supremacy of the parliament considers as the result of the efforts in this last chapter.

The imperative problem at hand is: how has the sovereignty of Pakistani parliament been affected by the judicial review? This question needs a careful investigation which may be taken into account.

Question of Legislative Domain: Examine influential situations in which the Supreme Court while exercising its jurisdiction under judicial review directly targeted or set aside decisions made by parliament.

Increasing or Reducing Liability: Analyze the ways in which Judicial Review has forced the government to answer for overstretching legislation or violating human rights. Has the judiciary under the ambit of judicial review ever compromised the fundamental function of the legislature? Has it strengthened parliamentary accountability by serving as a barrier against possible misuses of authority? **Public Credibility and Trust:** Analyze surveys and media representations to determine how judicial review affects public confidence in the legislature and the courts. Has it made the system feel more just and fairer, or has it made things more tense and unclear?

To sum up, this study has investigated Judicial Review within Pakistan in great detail, examining its operations, contrasting it with other models, and investigating the evolving function of the Supreme Court. The main emphasis has been on comprehending the complex connection between the Pakistani Parliament's sovereignty and judicial review. The findings of the research indicate that Judicial Review in this country has presented some challenges while being an essential instrument for maintaining constitutional values. The parallels with the United States, the United Kingdom, and India have brought to light commonalities as well as particular contextual elements influencing judicial review practice. The Supreme Court of Pakistan has played a significant role in influencing constitutional interpretations through judicial activism.

Although the judiciary's dedication to protecting the rule of law and preserving basic rights is admirable, its effects on parliamentary sovereignty require careful consideration.

14. Recommendations:

1. It is recommended that provisions regarding the power of judicial review be investigated, probably, it may have many ambiguities, so it should be re-drafted or amended so that it become clear in respect of the power being vested with the judiciary. It will help in differentiating the boundaries between the legislature and judiciary.
2. The Supreme Court should be pushed to give logical judgments under the relevant provisions of the Constitution in which the boundaries of the judicial review should be defined in the light of the will of the parliament. The judiciary and legislature may both traverse the complicated balance of powers by following well-firm precedents.
3. The parliament shall make such a system where the accountability should be promoted. It should make strong bodies like parliamentary committees to watch over the acts of the judiciary. This is how judiciary will not exceed from its powers.
4. The government should take solid steps to educate citizens in respect of the role of the judiciary. As the judiciary plays a vital role in the smooth running of life in country so the state should initiate seminars and other functions in order to educate citizens in this regard.

5. The government should encourage debates as to the effects of judicial review over the sovereignty of parliament in co-operation with the legislature, the supreme court, and legal community. Useful and healthy dialogues can result in a mutual trust of the constitutional structure.
6. It is recommended that a system should be made for keeping eye on the cases regarding judicial review and judicial activism should be strictly monitored. It will create a sense of check and balance on the functioning of the judiciary in respect of judicial review. It will also compel the judiciary to adhere to the constitutional principles.

The intricate and ever-changing interplay between legislative sovereignty and judicial review is a fundamental feature of Pakistan's dynamic constitutional governance framework. The suggestions made are meant to promote a more transparent and equitable system, guaranteeing that the Parliament and the court work together to promote democratic government in Pakistan. To ensure the continuous stronghold and stability of Pakistan's democratic institutions, it is essential that these recommendations be considered within the larger framework of constitutional ideals.

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