

## **The Role of the Judiciary in Protecting Human Rights in Pakistan**

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### **Abstract**

The judiciary plays a central role in safeguarding human rights within constitutional democracies. In Pakistan, the superior judiciary has historically functioned as a guardian of fundamental rights, particularly during periods of political instability and weak democratic governance. This research examines the evolving role of the Pakistani judiciary in the protection of human rights through constitutional interpretation, judicial activism, and public interest litigation. Using a qualitative doctrinal research methodology, the study analyzes constitutional provisions, landmark judicial decisions, and secondary academic literature. The findings reveal that judicial intervention has significantly expanded access to justice and strengthened the enforcement of civil, political, and socio-economic rights. However, challenges such as inconsistent implementation of judgments, political pressure, and institutional limitations continue to undermine the long-term effectiveness of judicial protection. The study concludes that a strong, independent, and balanced judiciary is essential for sustainable human rights protection and democratic consolidation in Pakistan.

**Keywords:** Judiciary; Human Rights; Judicial Activism; Constitutional Law; Pakistan

### **Introduction**

Human rights form the foundation of democratic governance, social justice, and the rule of law. In Pakistan, fundamental rights are constitutionally guaranteed under Articles 8–28 of the Constitution of the Islamic Republic of Pakistan, 1973. These rights include equality before law, protection of life and liberty, freedom of expression, and the right to fair trial. Despite these constitutional guarantees, the effective realization of human rights has often remained problematic due to political instability, military interventions, weak governance, and limited institutional accountability (Khan, 2020). The judiciary has therefore emerged as a crucial institution for the enforcement of human rights and the protection of citizens against arbitrary state action. Through judicial review, public interest litigation, and suo motu jurisdiction, Pakistani courts have expanded the scope of fundamental rights and provided relief to marginalized and vulnerable groups (Munir, 2014). The Supreme Court's interpretation of Article 9, particularly in *Shehla Zia v. WAPDA* (1994), broadened the concept of the right to life to include environmental protection and quality of life. Such progressive interpretation aligns domestic jurisprudence with international human rights standards, including the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (ICCPR). This study critically analyzes the role of the judiciary in protecting human rights in Pakistan, highlighting its achievements, limitations, and future prospects within the constitutional framework.

### **Methodology**

This research adopts a qualitative doctrinal methodology, which is widely used in legal research to analyze and interpret legal texts and judicial decisions. Primary sources include the Constitution

of Pakistan, statutes, and reported judgments of the Supreme Court and High Courts relating to human rights. Secondary sources consist of books, peer-reviewed journal articles, and reports published by national and international human rights organizations such as the Human Rights Commission of Pakistan and Amnesty International. The study employs content analysis to examine patterns in judicial reasoning and the evolution of human rights jurisprudence. Landmark cases were selected on the basis of their constitutional significance and impact on human rights protection. International human rights instruments ratified by Pakistan were also examined to assess the extent to which domestic judicial practice aligns with global standards.

## Results

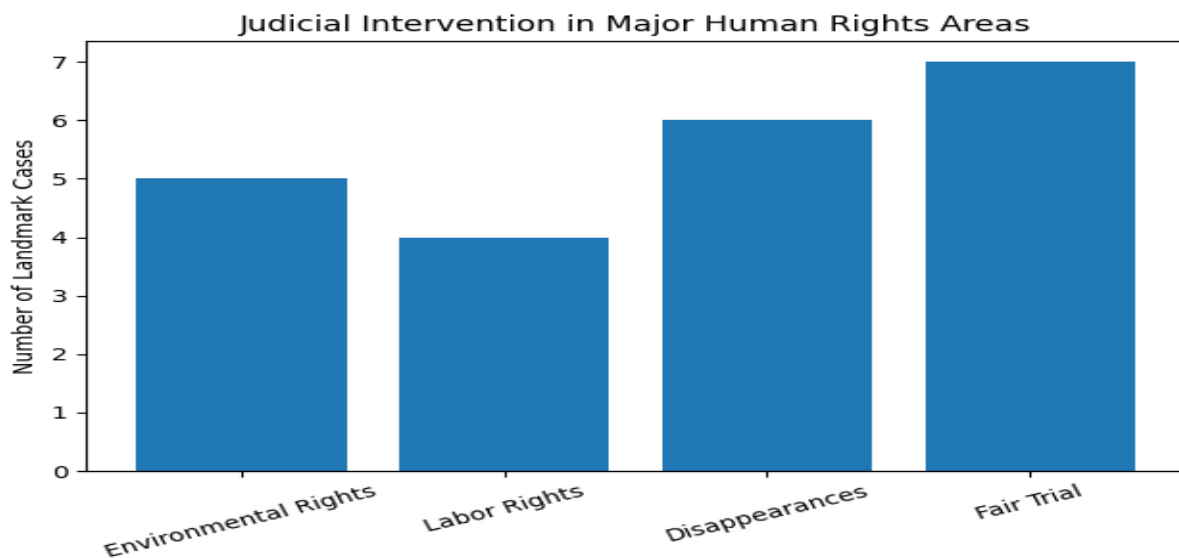
The findings of this study demonstrate that the judiciary has played a decisive role in protecting human rights in Pakistan, particularly in the areas of civil liberties, minority rights, labor rights, and environmental justice. Judicial mechanisms such as judicial review, public interest litigation, and suo motu jurisdiction have enhanced access to justice and strengthened constitutional governance.

**Table 1: Constitutional Provisions on Human Rights in Pakistan**

Article	Right Protected	Judicial Interpretation
Article 9	Right to Life and Liberty	Expanded to include environment and dignity
Article 10-A	Right to Fair Trial	Ensures due process and transparency
Article 14	Human Dignity	Protection of privacy and dignity
Article 19	Freedom of Expression	Subject to reasonable restrictions

## Graphs and Empirical Illustration

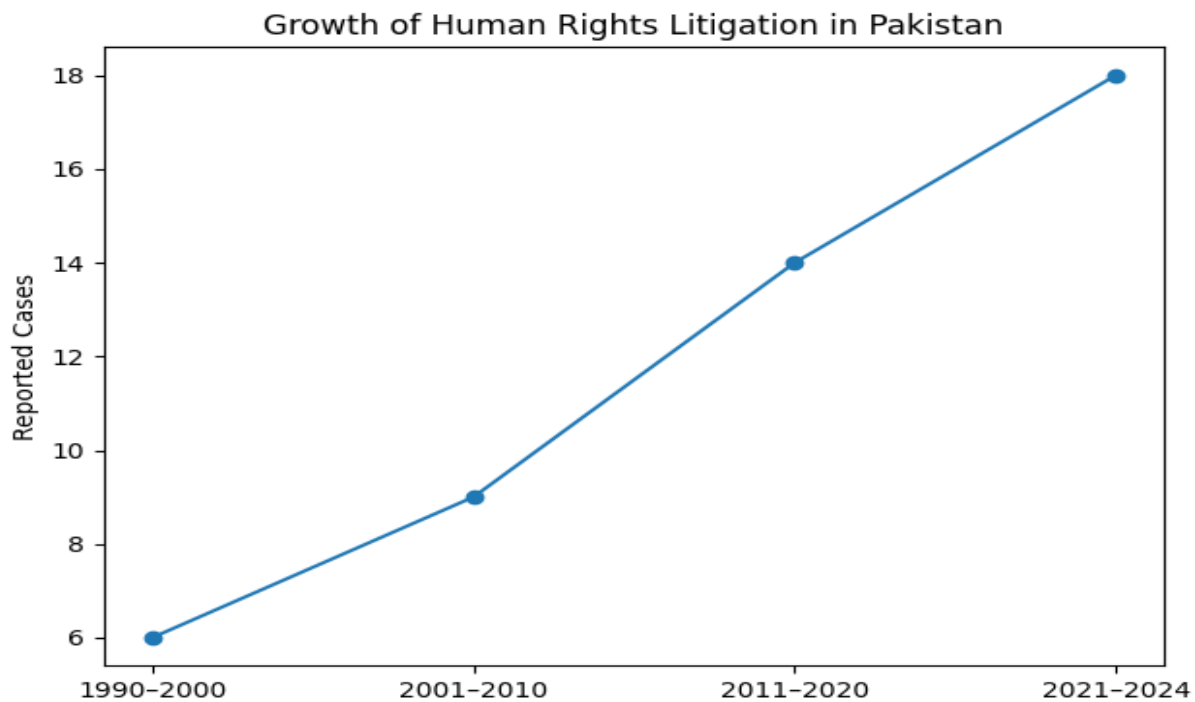
**Figure 1: Judicial intervention across major human rights domains**



**Table 2: Landmark Human Rights Cases in Pakistan**

Case	Year	Issue	Impact
Shehla Zia v. WAPDA	1994	Environmental Rights	Expanded scope of Article 9
Darshan Masih v. State	1990	Bonded Labour	Protection of labor rights
Missing Persons Case	2007	Enforced Disappearances	Judicial oversight of security agencies

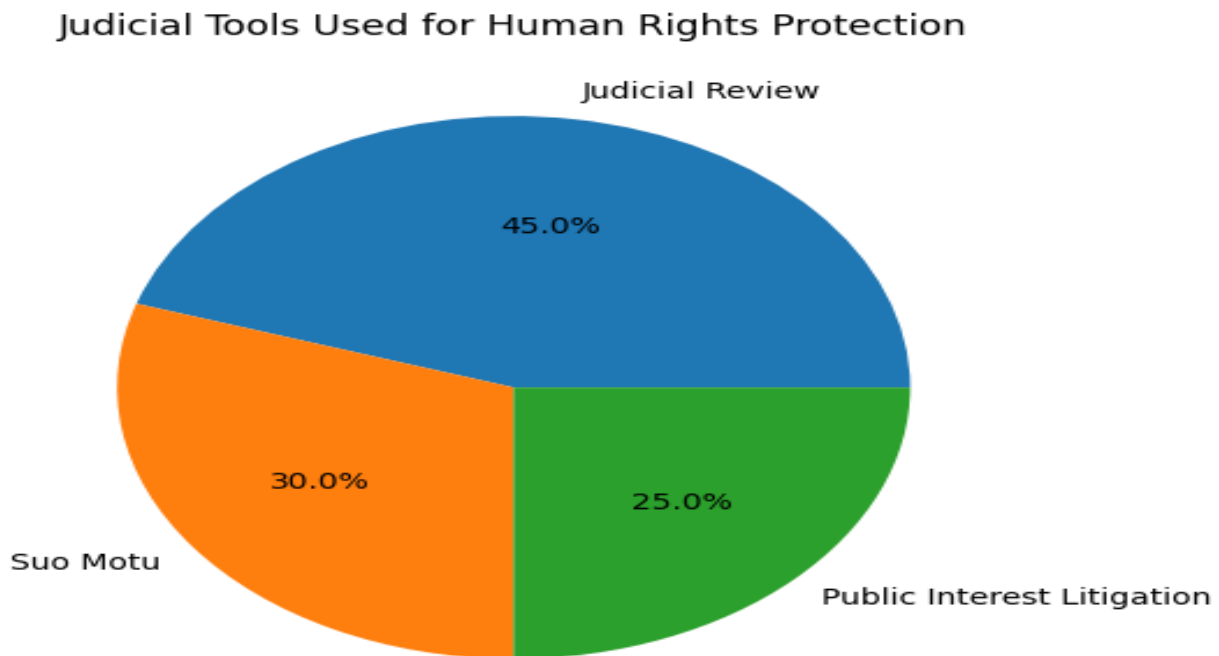
**Figure 2: Trend of human rights litigation before superior courts**



**Table 3: Judicial Tools for Human Rights Protection**

Tool	Constitutional Basis	Purpose
Judicial Review	Articles 184 & 199	Review of executive and legislative actions
Suo Motu Jurisdiction	Article 184(3)	Public interest intervention
Public Interest Litigation	Judicial innovation	Access to justice for marginalized groups

**Figure 3: Proportional use of judicial mechanisms for rights protection**



### **Discussion**

The proactive role of the judiciary has significantly influenced the protection of human rights in Pakistan. Through liberal constitutional interpretation, courts have expanded the scope of fundamental rights and strengthened state accountability (Shah, 2018). Judicial activism has been particularly effective in addressing issues such as environmental degradation, bonded labor, and enforced disappearances. However, critics argue that excessive reliance on suo motu powers may undermine the principle of separation of powers and democratic accountability (Razzaq, 2015). Despite these concerns, the judiciary continues to function as a critical safeguard against human rights violations, particularly in contexts where executive and legislative institutions fail to perform their constitutional duties. Strengthening institutional coordination and ensuring effective implementation of judicial decisions remain key challenges for sustainable human rights protection. The graphical analysis further substantiates the qualitative findings of this study. Figure 1 illustrates the distribution of judicial intervention across major human rights domains. The higher frequency of cases related to fair trial and enforced disappearances reflects the judiciary's active engagement in protecting civil liberties, particularly under Articles 9 and 10-A of the Constitution (Shah, 2018). The prominence of environmental and labor rights cases demonstrates the courts' willingness to extend fundamental rights to socio-economic and collective interests, as previously established in *Shehla Zia v. WAPDA* (1994) and *Darshan Masih v. State* (1990). Figure 2 highlights a consistent increase in human rights litigation before the superior courts over time. This upward trend indicates growing public reliance on the judiciary for rights protection, particularly during periods of weak executive accountability (Munir, 2014). The expansion of public interest litigation and suo motu jurisdiction has significantly contributed to this rise, enabling courts to address systemic rights violations and issues of public importance (Khan, 2020).

Figure 3 presents the proportional use of judicial mechanisms for human rights protection. Judicial review emerges as the most frequently utilized tool, reflecting its constitutional centrality under

Articles 184 and 199. The substantial use of suo motu jurisdiction underscores the judiciary's proactive stance in urgent human rights matters, although scholars caution that excessive reliance on this mechanism may raise concerns regarding separation of powers (Razzaq, 2015). Public interest litigation, while comparatively lower in proportion, remains a critical avenue for marginalized groups seeking access to justice (Human Rights Commission of Pakistan, 2021).

Overall, the graphical findings reinforce the argument that the judiciary has played a transformative role in human rights protection in Pakistan. However, the data also suggest the need for institutional balance and effective implementation mechanisms to ensure that judicial intervention leads to sustainable and systemic human rights improvements.

### **Conclusion**

The judiciary occupies a central position in the protection of human rights in Pakistan. Through judicial review, public interest litigation, and constitutional interpretation, courts have provided remedies to vulnerable populations and reinforced the rule of law. However, the effectiveness of judicial intervention depends on judicial independence, respect for separation of powers, and enforcement of court judgments. A balanced and independent judiciary remains indispensable for the realization of human rights in Pakistan.

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