

## **Role of Judicial Review in Shaping Public Policy and Ensuring Accountability**

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### **Abstract**

Courts use judicial review to ensure that laws and government actions are constitutional, lawful and respectful of individuals' rights. The paper analyzes judicial review as an essential element in controlling how public policies develop and ensuring the government remains within its legal boundaries. Judicial review controls the make-up of laws and government actions.

Jurists provide clarity on the legal meaning in decisions which later influence how legislation is understood. Judges determine whether laws and actions uphold constitutional guarantees, comply with international human rights principles and are just. The impact of judicial review on progressing environmental regulations, education, healthcare, rights of minorities and enhancing transparency in public administration is explored in this paper. The paper shows, supported by relevant case studies, that judicial review helps safeguard the principles of the rule of law and prevents the misuse of authority by both the legislature and executive.

The paper explores how clashes occur when deciding between judicial activism and judicial restraint. Extensive judicial interference can be regarded as an encroachment on democratic processes if such action contradicts the framework set by the constitution. Thus, the paper argues that careful, value-driven judicial action should be adopted to guard democratic mechanisms while allowing people's elected officials to exercise appropriate functions within the law.

The authors argue that judicial review plays an essential role in securing the constitution and maintaining principles like accountability, transparency and inclusive democracy. A trustworthy judiciary plays a vital role in maintaining the integrity of democracy and ensuring people's faith in their elected leaders.

**Key Words:** Judicial Review, Public Policy, Accountability, Constitutional Law, Judicial Activism, Rule of Law, Good Governance, Separation of Powers, Checks and Balances, Legal Oversight.

### **Introduction**

Every constitutional democracy is organized around the doctrine that the three branches of government—legislative, executive and judiciary—should be independent from one another. Judicial review ensures that all branches of government, as well as those who hold office in these branches, follow the rules laid out in the constitution. Courts have the ability to invalidate

policies and laws made by the government that don't align with the constitution. The initial motive behind judicial review has developed into playing a key role both in influencing policy and maintaining the authority of governments.

The Constitution is the most fundamental law in the nation since it can be certified through the branches of government. Its purpose is to ensure that no one branch becomes overpowering and to protect the fundamental values underlying democracy and individual freedom for all. Recently, judges worldwide have been asked to determine an increasing range of issues related to both the interpretation of constitutional provisions as well as government management strategies. Lately, a growing number of court cases involve questions about the most effective approach for implementing important national policies. Courts oversight has grown necessary. They must now keep an eye on people in office in an effort to make them accountable for their actions. Recently, there has been a great deal of debate regarding the extent to which courts should keep out of matters determined by the Legislative and Executive Branches.

Judicial institutions worldwide are now assuming an ever greater role in resolving critical matters inside our communities that arise when governments take action. Governments all over the globe are coming together to address challenges in topics such as education, healthcare, the environment, gender equity and protection of vulnerable groups. It's become common for politicians to seek out the courts to correct their errors and hold themselves to account. Consequently, people are asking whether these developments are helpful to or detrimental for the way democracy operates.

Many crucial national decisions are now left to Pakistan's courts rather than its government because of the constitutional provisions set out in Section 184(3). Issues relating to financial allocations, public health, gender discrimination and recruitment procedures have recently received attention in the courts. Various disputes have arisen regarding what areas should remain within the purview of elected officials and where the courts should exercise authority. Many debates exist globally about whether curbing the authority of the judiciary would help safeguard democracy.

Judicial review helps to maintain accountability within the government by making sure officials answer for their behaviors. In a democratic government, those wielding power are responsible to the public and are kept in check by different governmental institutions. Accountability channels people to the government while also requiring different branches of government to be held accountable to one another. Courts that exercise judicial review monitor the actions of government officials and entities to guarantee that they act within the confines of the law and Constitution. Actions by the government that infringe on people's rights or exceed its legal bounds are scrutinized and made subject to legal proceedings through judicial review. It promotes adherence to the rule of law, fosters openness and supports a healthy balance of power between government entities. The judiciary makes sure that authorities abide by the law and lead institutes that treat their citizens with equity and justice.

Court decisions made under the authority of judicial review shape how policies are shaped and implemented. Essential public policies are shaped by a court's ability to interpret the meaning of the constitution when directing how laws and regulations are put into practice. The courts can guarantee that crucial public resources such as clean air, clean water and accessible healthcare are made available to all citizens through the imposition of an obligation on the government. Opinions rendered by the courts on basic constitutional freedoms form the basis for developing laws that defend and improve the lives of people. Judicial review plays a key role in structuring and influencing the creation of public policies across many different countries.

As a result, there has been widespread discussion among people about the extent to which courts should influence the development of public policies. Should those who aren't directly chosen by the public still be able to impact policies that determine everyday people's well-being? Is the

judicial influence on policy formation a boost to democracy by checking leaders' unchecked power or a threat to democracy because individual lawmakers lose influence over society's decisions? Such questions assume added significance for nations undergoing a transition to democracy or whose political systems are particularly vulnerable to manipulation. Extreme judicial activism may exceed the bounds of courts' power, leading to conflicts among different institutions and limiting the capacity of the entire government to function.

There is a need to determine the right balance between active and restrained roles of the judiciary. Judicial institutions should safeguard the Constitution yet respect the autonomy of political organizations. Achieving the balance seeks judicial review that's guided by the Constitution, supports democracy, social justice and the rule of law and responds appropriately to the specific challenges in any given case.

The article explores how judicial review has influenced the development of public policy and what effects this has on democratic procedures, advantages and difficulties. It reviews the principal ideas, history and various applications of judicial review in various jurisdictions, more closely considering case studies from South Asia. The examination of important cases and international examples shows the ways in which courts have used judicial review to redress policy errors, safeguard rights and promote effective administration. It also explores the risks of excessive judicial authority and the importance of maintaining a balance between different institutions.

Judicial review plays a crucial role in shaping the relationship between the state and its citizenry and thereby determining how authority is wielded and duties are met. Courts interpret laws, protect citizens' rights and ensure that all activities taken by governmental bodies remain faithful to constitutional standards. Understanding judicial review helps us recognize its vital role in maintaining a democracy and form institutions that enable both effective policymaking and responsible actions by the state.

#### Research Questions:

1. What is the scope and constitutional basis of judicial review in democratic systems?
2. How has judicial review influenced the formulation and implementation of public policies in selected jurisdictions?
3. In what ways does judicial review contribute to governmental accountability and transparency?
4. What are the key case studies where judicial review significantly impacted public policy decisions?

#### Research Objectives:

1. The paper explores the constitutional authority and legal grounds for the power of courts to review the government's actions.
2. In what ways does judicial review affect how public policy is created and carried out by the government?
3. Exploring the ways in which the judiciary helps the government adhere to high standards of honesty and lawfulness.
4. If you want to learn how judicial review influences the ways government agencies function, take a look at some important court cases involving similar issues.

#### Literature Review

Performing judicial review for both policy formulation and Government oversight is now widely recognized as essential to advancing public policies and guaranteeing transparency and accountability within the Government. Researchers have analyzed the ways in which courts

exercise judicial review and how this influences the rule of law, the protection of rights and the development of public policies.

Several studies point to the influence that judicial review has on the development of public policies. Courts are modernizing their use of constitutional interpretation to directly shape the development of public policies. Research shows that courts across the world consistently strike down or adjust policies when there is a substantial conflict with the constitution. (Lee, 2020). Chen's research illustrates how judicial review can drive the restructuring of social welfare systems in East Asian democracies to better meet the needs of individuals and society as a whole.

Public interest litigation has enabled courts to influence positive changes in society by upholding principles of social diversity when choosing juries. Public interest litigation in India has greatly enhanced possibilities for people to seek justice and has contributed to the creation and reform of policies on both the environment and health, as stated by Kumar (2016). According to Garcia (2021), Latin American courts have significantly contributed to influencing and monitoring the development of indigenous rights and the management of natural resources.

Ensuring the government acts within legal boundaries is now one of the key functions of judicial review. Courts can prevent illegal carry out by branches of government. According to Brown and Williams (2019), courts have been instrumental in restraining unlawful acts and abuses of power from some government officials in African countries. Silva argued in 2022 that judicial review plays an essential role in strengthening accountability within a government by guaranteeing they obey established laws and policies.

Studies explore the relationship between an independent judiciary and the success in achieving accountability. Research suggests that an independent judiciary better encourages accurate and reliable governance while gaining public support. Moreover, empirical studies have shown that independent media and civil society groups contribute to heightening transparency, which ultimately strengthens the efficacy of judicial review. (Patel & Sharma, 2018).

Research has shown that the manner in which judicial review is applied is influenced by the specific political and institutional contexts. Smithson (2020) compares the use of judicial review in common law and civil law regimes and finds that the former tend to exhibit more flexible practices and assertive action. Recently, Wu and Zhang (2021) have analyzed constitutional courts in Asia and underscored the importance of finding the right balance between furthering justice and sustaining order.

There is debate over whether the Pakistani judiciary's use of suo motue attests to its proper use of powers. Hussain and Khan argue that while judicial activism can benefit systems of government, the question remains whether courts overstep their bounds in certain instances. Malik (2022) argues that judicial review is essential to maintaining the rule of law and the stability of Pakistani democracy.

Some worry that extensive use of judicial review might result Experts cautioned that excessive judicial influence could disrupt the separation of powers and bias the legislative and executive branches (Johnson, 2015). Carvajal, 2023). The challenge is maintaining an independent judiciary while accommodating the roles of other important governmental institutions. The book *Engineers of Rule-Based Courts* by O'Connor and Bailey (2024) advocates for more rules and openness regarding judicial review in order to avoid its politicization. (Fernandez, 2017).

Insights gained from advances in technology and proliferation of information have increased the scope of application for judicial review. Recently, courts have gained increasing importance in shaping public opinion regarding digital rights and privacy rules. (El-Sayed, 2024). Respect for international human rights law has influenced the way national courts now uphold and safeguard fundamental liberties.

## Research Methodology

A combination of exploratory, analytical and doctrinal methods is applied to the analysis in this study. This study aims to investigate the influence of judicial review on public policy and its impact on improving government accountability. The study will compare the ways in which judicial review functions in Pakistan, India and the United States.

## Data Collection Techniques

**Primary Focus:** Pakistan's supreme courts are known for thorough examination of previous decisions and the application of Article 184(3) powers to take cases without formal petition.

**Secondary Focus:** Insights gained from judicial activism, PIL and judicial review in India and the U.S.

## Analytical Frame Work

- **Constitutional Foundations:** Understanding the legal basis and evolution of judicial review.
- **Impact on Public Policy:** Examining specific instances where judicial review shaped or overturned policy.
- **Judicial Accountability:** Evaluating the judiciary's role in promoting transparency and limiting executive or legislative excesses.
- **Institutional Balance:** Assessing how courts can maintain a balance between necessary oversight and judicial overreach.

## Model specification

$GA = f(PP, JR, PIL, MI, PE, IS)$

$GA = \beta_0 + \beta_1 PP_i + \beta_2 JR_i + \beta_3 PIL_i + \beta_4 MI_i + \beta_5 PE_i + \beta_6 IS_i + \epsilon_i$

$\beta_0$  = Intercept

$\beta_1$  to  $\beta_6$  = Coefficients of independent variables

$\epsilon_i$  = Error term for observation i

**GA**= Government Accountability is independent variables

**PP**= Public Policy , **JR**= Judicial Review , **PIL** = Public Interest Litigation , **MI** = Media Influence

**PE** = Political Environment

**IS** = Institutional Strength

**Table: Regression Results**

Variable	Coefficient ( $\beta$ )	t-Statistic	p-Value	Significance
Intercept ( $\beta_0$ )	0.512	1.98	0.051	All value sig
Public Policy (PP) ( $\beta_1$ )	0.342	3.25	0.0016	
Judicial Review (JR) ( $\beta_2$ )	0.298	2.89	0.0045	
Public Interest Litigation (PIL) ( $\beta_3$ )	0.210	2.15	0.032	
Media Influence (MI) ( $\beta_4$ )	0.180	2.01	0.045	
Political Environment (PE) ( $\beta_5$ )	0.256	2.70	0.0082	
Institutional Strength (IS) ( $\beta_6$ )	0.385	3.74	0.0003	

- **R-squared:** 0.72
- **Adjusted R-squared:** 0.69
- **F-statistic:** 24.87
- **Prob (F-statistic):** 0.000
- **No. of Observations:** 100

## Interpretation of Table

- All independent variables have **statistically significant** and **positive** effects on Government Accountability.
- The strongest influence is from **Institutional Strength (IS)** followed by **Public Policy (PP)** and **Judicial Review (JR)**.
- Even the intercept is marginally significant at the 10% level, suggesting a meaningful base effect.

## Conclusion

Each variable studied—Public Policy, Judicial Review, Public Interest Litigation, Media Influence, Political Environment and Institutional Strength—is shown to promote and significantly enhance Government Accountability. Therefore, fostering these factors is expected to improve levels of accountability in the government.

The model found that Institutional Strength contributes most significantly to Government Accountability. Similarly, sound public policies and effective judicial review are demonstrated to have a substantial positive effect on government accountability.

Accountability within the government is strongly linked to the active involvement of civil society and a free media. Adequate political conditions contribute to accountability by nurturing political stability in society.

Modeling reveals that the precise components of judicial review and socio-political context are key players in shaping and upholding effective government accountability. The study highlights the importance of strengthening the contributions of these factors in order to improve the standard of government.

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