GLSR Global Legal Studies Review

Cite Us

DOI: 10.31703/glsr.2021(VI-II).15 p- ISSN: 2708-2458 e- ISSN: 2708-2466 L- ISSN: 2708-2458

Pages: 122 – 129 Vol. VI, No. II (Spring 2021) URL: http://dx.doi.org/10.31703/glsr.2021(VI-II).15

Constitutionality of Law-making Process in Pakistan: A Critical Appreciation

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Abstract: *This is the age of information and awareness. Democracy cannot flourish without the involvement of the governed in all aspects of political life. Like good citizens, a question comes to mind to ask whether the Parliament of Pakistan is without any limitations in the area of legislation or whether there are constitutional limitations in this regard. Because it is the motto of a good citizen to obey punctually but to censure freely. With qualitative research methodology, this research paper examined both primary and secondary sources, which included a critical analysis of constitutional provisions, other legislative instruments, published research papers, and judicial precedents, in order to theorize the concept of separation of powers in Pakistan and judicial check on the legislature so as to counter apprehension of exploitation of legislative authority.*

Key Words: Parliament, Separation of Powers, Judicial Review, Legislation

Introduction

Part-I will conceptually discuss the source of authority for legislation in Pakistan. Part II will explore the concept of separation of powers in the context of Pakistan. Part III will show the puzzling resistance to judicial review of the legislative process. Part IV will embark upon a constitutional analysis of the law-making process. Part V would unveil the internal proceeding doctrine (IPD) and Part VI will make certain recommendations and conclusions.

Part-I

The Source of Authority for Legislation in Pakistan

A written constitution is "the greatest improvement on political institutions." (Marbury v. Madison, 1803). The source of all powers and jurisdiction is the Constitution or law made by a competent law-making authority. It is, therefore, interesting to examine the validity of the law-making process in Pakistan, and the possibility of a judicial challenge to the legislative process in the light of constitutional scrutiny to ascertain whether the law by which we, the citizens are being governed and respect for which is obligatory on us has validly been enacted strictly in accordance with the constitutional provisions and constitutional requirements. Because it is the motto of a good citizen to obey punctually but to censure freely (Jeremy Bentham, 1988). However, it is a truth to be acknowledged in spite of the fact that the wisdom of the legislature cannot be challenged. To say that "a thing is constitutional is not to say that it is desirable" (Robert F. Cushman, 1989).

Every law is a law whether just or unjust, but we cannot forget the wise warning of Sophocles, the Greek playwright in the B. C about mundane law by saying, "Your law [is] Not the sacred law" (Sophocles, 496-606 BC). If we believe in the rule of law, then it is embedded in the very concept of legalism that the law should be prevented from becoming effective if it violates any provision of the Constitution while in the process of making.

Governmental authority is in fact a delegated power being exercised by the persons in government on behalf of and for the people and is a trust. Here lies the concept of a limited government because "a written constitution seeks to formulate with precision the powers and duties of the various agencies that it holds in balance." Adegbenro v. Akintola,1963). The wordings of the Constitution, the people's own history and their own will are the reservoirs wherein to locate the power and nowhere else. Our Parliament does not enjoy the supreme status (Sharaf Faridi v. Federation, 1989). Activities of the legislators inside the Legislature are meant

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Citation: Ali, M., & Rehman, H. A. u. (2021). Constitutionality of Law-making Process in Pakistan: A Critical Appreciation. *Global Legal Studies Review*, *VI*(II), 122-129. https://doi.org/10.31703/glsr.2021(VI-II).15

and intended by the Constitution to be for the welfare of the people. The representatives should not defeat the mandate of the people by internal dissensions and fractions. (Ahmad Tariq Rahim v Federation of Pakistan, 1992).

It is there in the Constitution in so many provisions that "subject to the Constitution" the legislature can legislate, and sometimes "subject to reasonable restrictions *imposed* by law" some activities are declared to be exercised (Articles 141, 14, 18, Constitution). It means that such a law will itself be reasonable. The Roman lawyer, **Cicero** usefully identified the three main components of any natural law philosophy: "True law is right reason in agreement with Nature; it is of universal application and everlasting. It is "impossible to abolish it entirely" (Raymond Wacks, 2006).

Like the US Constitution, in Pakistan, it may be asserted that "we differ radically from [those] nations where all legislative power, without restriction or limitation, is vested in a Parliament or other legislative body subject to no restrictions except the discretion of its members" (US v. Butler 297 US 1). The express provisions of the Constitution confer powers and duties on the various agencies of the Government and also hold them in balance (Adegbenro v. Akintola, (1963)). In fact, the authority that different organs exercise is a derived authority, that is, derived from the people through the instrumentality of the Constitution. (Federation of Pakistan v. Saeed Ahmad, 1974). It has judicially been declared that "a legislature under a constitution [is not] omnipotence" (State v. Zia-ur- Rehman, 1973). Because "no branch or department of the government is supreme, and it is the province and duty of the judicial department to determine in cases regularly brought before them, whether the powers of any branch of the government ... have been exercised in conformity to the Constitution" (Kilbourn v. Thompson, 1881). Otherwise, "the accumulation of all powers, legislative, executive and judicial, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny". (Cushman, 1989).

An adage, ascribed to Bismarck, says that "people who like sausages and respect the law should never watch either being made" (Jeremy Waldron, 2003). Now times and attitudes have changed. It is the age of democracy and constitutionalism. There will not only be a rule of law but also the law itself cannot be made or changed at the whims of the rulers. On the other hand, changing the law through a public and transparent process of legislation presents change as an appropriate focus for political action on the part of the public. It conveys the idea that law in some sense *belongs* to the members of the public. It is "*their law*, not something to be imposed on them by a ruling clique" (Jeremy Waldron, 2003).

Part-II

Separation of Powers in the context of Pakistan

It was Montesquieu who introduced "the concept of separation of powers" (Ronald D. Rotunda,1999). It means simply that each Organ of the State should act independently of any other organ. But the question is as to who will check one Organ, and particularly the legislature while exceeding powers?

In Pakistan, the principle of separation of powers is constitutionally embedded. The Constitution performs three functions: it expresses the consent by which the people actually establish the State itself; it sets up a definite form of government, and it grants and at the same time limits the power which that government possesses (Federation of Pakistan v. Moulvi Tamizuddin Khan, 1955). There is a misconception about the concept of separation of powers. It will not be understood in the sense that one branch should never look into the affairs of the other branch. It has been observed that the "present-day trend is that emphasis is more on the proper balance between the co-ordinate branches rather than on complete division of authority between the three branches" (Fauji Foundation v. Shamimur Rehman, 1983).

When the Constitution says in Article 69 that internal proceedings of the legislature will not be subject to challenge, it envisages ethical conduct and behaviour on the part of the honourable members of the Legislature being so worthy persons. It does not give blanket immunity to do whatever they want according to whims and fancy because the "department of the science of ethics which is concerned with positive law has styled the science of legislation" (John Austin, 2012). The legislator has to pay attention to the welfare of the people while reading and voting in the legislature because "[i]t is the legislator's task to frame a society which shall make a good life possible" (Aristotle, 1928).

The only salvation of the Nation is in strict adherence to each and every provision of the Constitution under the concept and rule of checks and balances. Let us dispel the feelings: "Laws grind the poor, and rich men rule the law." (Cohen, 2004). It has been said aptly, "There is no good code in any country. The reason for this is evident;

the laws have been made according to the times, the place and the need" (Voltaire, 2006).

Part-III

The Puzzling Resistance to Judicial Review of the Legislative Process

Judiciary has shown reluctance to embark upon judicial review of the legislative process in order to ensure constitutional scrutiny of the legislative process. One of the reasons given is the fear of interference with the independence and sovereignty of the legislature, perhaps because of the principle of separation of powers. That is why it has been observed judicially that irregularities in procedure cannot be noticed by courts as parliamentary practice authorizes the legislature to decide what it will discuss, how it will settle its internal affairs and what code of procedure it intends to adopt (Wasi Zafar v. Speaker Punjab Assembly, 1990). Stephen, J said, "I think that the House of Commons is not subject to the control of Her Majesty's Courts in its administration of that part of the statute law which has relation to its own internal proceedings" (Bradlaugh v. Gossett (1884).

Judiciary has observed that it is difficult to define what constitutes the "internal proceedings" of the Parliament. The judicial approach goes on to say that it is not possible to attempt any extensive classification of the matters that may be comprised within the term "internal proceedings" but it will be sufficient to indicate that whatever is not related to any "formal transaction of business" in the House cannot be said to be a part of its "internal proceedings" (Farzand Ali v. Province of West Pakistan, 1970).

The reasoning of Cornelius J is worth seeing:

"I do not propose to embark on the equally dangerous task of attempting to say in what cases, proceedings within an Assembly could possibly fall within the jurisdiction of the Court. The question is so intricate, and its resolution is fraught with such grave dangers with the internal structure of the Constitution of the country ... that it must be left to be decided in relation to the facts of a dispute when arise[s], and then it must be decided upon a consideration not only of the wording of the Constitution but with a full comprehension of the phases of history which formed the background of that Constitution" (Ahmad Saeed Kirmani v. Fazal Elahi, Speaker, 1958).

It is undeniable that of the functions which are conferred by a written constitution, the legislative function is by far the most important one. (Sobho Gyanchandari v. Crown, 1952). Generally, the power to legislate may be described to make, alter, amend and repeal laws, and it includes such powers as may be necessary to carry out the Constitution into effect (Earl T. Crawford, 1998). But the question is which type of laws can be made or if any and all types of laws can be made?

Hamood-ur-Rehman, J observed that "if the subject matter is within the competence of the legislature then it can certainly legislate in any one of the generally accepted forms of legislation" (Province of East Pakistan v. Siraj-ul-Haq Patwari, 1966). The question is as to what subject matter is and what subject matter is not within the competence of the legislature. Blackstone saw "the science of legislation the noblest and most difficult of any". (Walter J Kendall III, 2014). Once enacted, the will of the Legislature contained in the enacted law must be carried out into operation by the executive and other agencies (Vasanlal v. State, 1961). When the process of legislation has culminated in the end product, the enacted law, then *mala fides* cannot be attributed to the legislature (Fauji Foundation v. Shamimur Rehman, 1983). The law cannot be invalidated on the ground that the law-making body did not apply its mind (Nagaraj K. v. State of A.P., 1985) or was prompted by some improper motive. (Rehman Shagoo v. State of J & K, 1960). Then what is left: the process of legislation on procedural defects besides competency is the possible route to reach the end to having a valid law on the Statute Book.

Pakistani Parliament cannot do certain things. The Supreme Court has stated in unambiguous terms "that the Constitution of Pakistan is the supreme law of the land and its basic features i.e. independence of judiciary, federalism and parliamentary form of government blended with Islamic provisions cannot be altered even by the Parliament." (Zafar Ali Shah, 2000). It means that the Parliament lacks competency in certain matters. In those matters where it has the competency, it would follow all the constitutional steps to complete the legislation.

It has judicially been observed that a government "which held the rights, the liberty and the property of its citizens, subject at all times to the absolute discretion and unlimited control of even the most democratic depository of power, is, after all but a despotism." (Hurtado v. The People of California, 1884). Essence of the position of the legislature under a written constitution is that "the legislature has the whole law-making power except so far as the words of the Constitution expressly or impliedly withhold [from] it." (Fazal

Karim, 2006). The Supreme Court of Pakistan has succinctly clarified the position:

"Our constitution envisages democracy as ethos and a way of life in which equality of status, [and] of opportunity ... obtain. It has its foundation in representation; it is not a system of self-government, but a system of control and ... limitations ... [on] government. A democratic polity is ... identified by the manner of selection of its leaders and by the fact that the power of the government functionaries is checked and restrained. In a democracy[,] the role of the people is to produce a government and therefore the democratic method is an institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote" (Benazir Bhutto v. Pakistan, 1988).

Legislative power is the power to declare what the law should be (Ohio Casualty Insurance Co. v. Welfare Finance Co., 1935). A legislative act creates a general rule of conduct; an administrative act is the adoption of a policy and issue of a specific direction. Dr Johnson gave an answer of enduring validity, namely, "Laws are not made for particular cases but for men in general" (James Boswell, 2012). A particular act even of a legislature cannot be a legislative act, although, it may be under the colour of legislative power. (Shamim-ur-Rehman v. Pakistan, 1980).

In this sense, our Parliament is supreme to make a law if that is within its competence as per the federal legislative list and then by adopting all the legislative steps given in the Constitution. If any such step is omitted and some material procedural irregularity is committed, then the enacted law be invalid because of such defect in the process of legislation. Such an invalid law cannot confer power on the executive.

Part-IV

Constitutional Analysis of Law-making Process

The Constitution says that the validity of any proceedings in Parliament shall not be called into question on the ground of any irregularity of procedure (Article 69 of the Constitution, 1973). Now suppose that the proceeding of the Parliament is beyond scrutiny as apparently is the case under **Article 69** of the Constitution and a law has been legislated in contravention of the constitutional requirements, then what will be the remedy?

Here is a dilemma because it is the judicial approach not easy to strike down a law. The enacted law is usually saved rather than destroyed and the Court leans in favour of upholding the constitutionality of legislation, keeping in view that the rule of constitutional interpretation is that there is a presumption in favour of the constitutionality of legislative enactments unless ex facie it is violative of a constitutional provision (Elahi Cotton Mills Ltd v. Pakistan, 1997). So, the people cannot avoid a law unless the same is struck down by a competent court. Thus, they are surrounded here. The dilemma referred to above is that on the one hand, internal proceedings of the legislature seem to be beyond challenge and on the other hand, the product, that is, the enacted law is not to be struck down easily as the presumption of constitutionality is attached to it. Let me recall Shakespeare: "When sorrows come, they come not single spies, / But in battalions." (William Shakespeare, 1601) How to avoid this dilemma without throwing a challenge to the wisdom of legislature so that to save ourselves from bad law in this age of democracy and awareness is the pricking question.

Articles 67 and 127 of the Constitution empower Parliament and Provincial Assemblies respectively to make rules for regulating their procedures and conduct of their business. It is not an absolute power but is subject to the Constitution. It is the basic principle of jurisprudence that rule-making power under the Constitution is in the nature of delegated power and cannot be so exercised to be inconsistent with the Constitution. (Malik Asad Ali v. Pakistan, 1998). What makes decision-procedures of legislatures fair from a democratic point of view is related to a notional vote in the country by virtue of the elective credentials of each voting member (Waldron, 2003).

The term "proceedings in Parliament" or the words "anything said in Parliament" have not so far been expressly defined by courts of law. It covers both the asking of a question and the giving of written notice of such a question. The Orissa High Court, *inter alia*, observed:

"It seems thus a settled parliamentary usage that "proceedings in Parliament" are not limited to the proceedings during the actual session of Parliament but also include some preliminary steps such as giving notice of questions or notice of resolutions, etc. Presumably, this extended connotation of the said term is based on the idea that when notice of a question is given and the Speaker allows or disallows the same, notionally it should be deemed that the questions were actually asked in the session of Parliament and allowed or disallowed, as the case may be." (Godavaris Misra v. Nandakishore Das, 1953).

Guidance may be sought from *Powell* wherein the Court has held that whether or not a congressman is qualified to take his seat is not a political question despite the constitutional provision that "each house shall be the judge of the ... qualifications of its own members." (Powell v. McCormack, 1969). The Court observed:

"Especially it is competent and proper for this court to consider whether its [the legislature's] proceedings are in conformity with the Constitution because ... it is the province and duty of the judicial department to determine ... whether the powers of any branch of the government and even those of the legislature in the enactment of the laws have been exercised in conformity with the Constitution. (Powell v. McCormack, 1969).

The only way out may be that on a closer and deeper look, the Constitution mandates that a challenge to the legislative process shall be made promptly, otherwise, if the process ends in the product as law, it will do its damage unless repealed or struck down, and such striking down may take effect prospectively.

Part-V

Internal Proceeding Doctrine (IPD)

A written Constitution envisages the law-making function as the most important one and enshrines that "each of [the] ... three limbs of the State enjoys complete independence in ... [its] own sphere." (Liaqat Hussain v. Federation, 1999). In fact, IPD signifies the independence and integrity of the legislature.

The legislature at the Centre is bicameral and in the Provinces unicameral. The object of the bicameral requirement is "that legislation should not be enacted unless it has been carefully and fully considered by the Nation's elected officials." (INS v. Chadha, 1983). The President is part of the Parliament only in the sense that the laws passed by the legislature are presented to him so that he may exercise his right of giving or withholding his assent. (Article 75 of the Constitution). Division of the Two-Chambers Legislature assures that the legislative power would be exercised only after the opportunity for full study and debate in separate sittings. A prime reason for bicameralism "is to insure mature and deliberate consideration of, and to prevent precipitate action on [the] proposed legislative measures." (Reynolds v. Sims, 1964).

There is no denial to the truth that Legislature has plenary power to make law (Dawood Yamaha Ltd v. Baluchistan, 1986) but it is also a recognized principle of constitutional law that limitations imposed by the Constitution itself would be observed by the Legislature strictly according to the spirit of the Constitution. (Abdur Rahim Allah Ditta v. Pakistan, 1988). The starting point in this regard is the concept of 'irregularity' of proceedings in the legislature.

The Constitution refers only to 'irregularity'. (Article 69, Constitution). Although, no specific particulars or definitions have been provided in the Constitution of the term 'internal proceedings', this much is clear that 'illegalities' etc are not covered. The Court observed that 'internal proceedings' "do not extend to anything and everything is done within the House." (Farzand Ali v. Province of West Pakistan, 1970). The Indian Supreme Court has held that "it is possible for a citizen to call in question in the appropriate court of law the validity of any proceedings inside the legislative chamber if his case is that the said proceedings suffer not from a mere irregularity of procedure, but from an illegality." (The Reference case, 1965). It may be said that grounds like 'unconstitutionality' and 'illegality' can be made grounds to challenge legislative proceedings. The jurisdiction is ousted, prima facie, only "in respect of irregularity of procedure, but where the interpretation of the constitutional instrument is involved, the jurisdiction is unaffected." (Muhammad Anwar Durrani v. Balochistan, 1989). It means that not only the rules of procedure can be constitutionally scrutinized but "[i]f the ... [very] procedure is illegal and unconstitutional, it would be open to being scrutinized in a court of law, though such scrutiny is prohibited if the complaint is no more than this that the procedure was irregular." (The Reference case, 1965). To understand the concept of the term 'internal proceedings', some analogy may be taken from the statutory law of the land.

Meaning of Irregularity: The word irregularity finds mentioned in section 115 of the Code of Civil Procedure, 1908 (CPC). It provides that the revisional (supervisory) court can interfere if the subordinate court appears "to have acted in the exercise of its jurisdiction illegally or with material irregularity." So, three things come to mind: illegality, material irregularity, and irregularity. Article 69 of the Constitution refers only to 'irregularity'. Thus, by analogy, what can be seen under section 115 CPC can also be seen under the Constitution. The only question that will remain will be the ascertainment as to what amounts to illegality or material irregularity, or simply, what is just irregularity.

Anything being illegal makes no difficulty because everything is illegal which is contrary to the law. It has time and again been reminded by the judiciary that anything prescribed by law to be done in a particular manner must be done in that manner or not in any other manner at all. The

expression 'material irregularity' has judicially been defined to mean committing some error of procedure in the course of the trial which is essential in the sense that it might have affected the ultimate decision. (N.S. Vinkatagiri Ayyangar, 1949). In other words, if the subordinate court has taken a procedural step which is contrary to a mandatory provision of the law, has omitted to take a procedural step which is required by a mandatory provision of law to be taken, or has taken a procedural step which is contrary to a directory provision of the law, or to a general principle of law, and which in the final result has given to one party an advantage over the other *which it would not have got but for the fact that the step was taken or not taken, as the case may be*, would amount to material irregularity. (Zafar Ahmad v. Abdul Khaliq, 1964). Now, the question is as to whether mentioning only 'irregularity' and not 'material irregularity' in Article 69 of the Constitution, can the courts exercise jurisdiction on the grounds of material irregularity and illegality of procedure on the pattern of section 115 CPC?

For this purpose, Article 199(1)(ii) of the Constitution will be referred to which empowers the High Court to declare that the State action in question has been done or taken without lawful authority and is of no legal effect. Two things are to be kept in mind: i) State's action, and ii) without lawful authority. The state includes the Legislature. (Article 7, Constitution). In this regard, notice will be given to the Attorney-General or/and the Advocate-General under Order 27-A of CPC.

Strict observance of the common law rule that the Courts cannot enquire into the internal proceedings of Parliament is inconsistent with Articles 199 and 184 of the Constitution. That is why Article 69 refers only to 'the ground of irregularity of procedure' which cannot be made a ground of attack in a court of law. The Courts should allow enquiry into the internal proceedings of Parliament where there has been a breach of the Constitution.

Pakistan has never had a revolutionary constitution; its constitutions were the result of earlier experiences and failures. We got independence from the English nation. So, we also had in mind always the English Constitution:

[T]here are ... important constitutional rules which are not "laws" in the sense that the courts will enforce them. These are the rules which regulate the internal affairs of Parliament, such as the rules governing the process of legislation and the conduct of debates. Many, but not all, of these "customs" of Parliament are now contained in the Standing Orders of the two Houses. (Philip S. James, 1985).

So, by virtue of having in mind the English parliamentary tradition, the 'internal proceedings' in the British Parliament and the 'internal proceedings' in the Parliament of Pakistan are misconceived and taken to be the same. The distinction between the two is not noticed: there in England, the 'proceedings' are regulated only and solely by the non-statutory rules known as 'Standing Orders' but in Pakistan, the 'proceedings' is mainly regulated by the Constitution itself and only supplemented by the Rules of Business of the National Assembly and the Senate. There, the English Parliament can make any law by a simple majority including Rules of Procedure, law, and even a constitutional provision; but here, the people framed the Constitution through the Constituent Assembly and provided that law shall be legislated with a simple majority and any amendment in the Constitution can only be made with a greater majority of the total membership. So, any violation of the Constitution cannot be saved by taking resort to Article 69 of the Constitution. Just to have a spark in our mind, let us say that this Article has not made any mention of any Rules of Business with the words 'internal proceedings', so the internal proceedings will be only proceedings which are taken in the four walls of the arena built with the bricks of the constitutional Articles; not with the bricks of the Rules of Business. A quick example may be like this: Suppose the Assembly instantly changes (or suspends) the Rules of Business and passes an amendment in the Constitution with a simple majority, can such an amendment be valid? Nobody can say that do not ask this question because the 'internal proceedings' of the Assembly cannot be questioned in a Court of Law under the colour of Article 69. No, because such proceedings are not internal; they are against the provisions of the Constitution. It is the same thing with different words: "What's in a name? That which we call a rose/ By any other name would smell as sweet." (Shakespeare, 1597). To say that the Parliament can make any law or any amendment in the constitution tantamounts to reinforcing the Nazi's thinking that "'[t]he constitution does not stand above the legislature, but rather at its disposition.'" (Peter Lindseth, 2004). This is a misconception and wrong. It is the other way around. The Constitution stands above the legislature and the legislature is at its disposition.

Part VI

Recommendations and Conclusion

It is recommended that a law passed by the legislature must pass the constitutional test. The Court should consider legislation and even constitutional amendments. Now see the

problem, the damage, and the solution to avoid it in the future forever. The Courts decide concrete cases on an individual basis. Such a law is at large to do damage because it is not the only way that a law is applied to the citizens through the gate-way of the courts; it is applied by the executive the moment it is enacted by the legislature. It is corrected for a particular individual when he has the resources to challenge his vires or the executive or subordinate court order based on such a bad and invalid law. Let us promptly remind ourselves that in Pakistan it is not an easy job to get access to a court of law: court fees, lawyer fees, other expenses, delay, and the approach of the courts that they will not suspend a law when its vires are under challenge because it is a law, the law, and law. So, 99% of the poor, downtrodden, helpless and humourless citizens are being grounded by *the law* and the 1% may rule the law, a law, and law. The solution is like this: the process of law-making be constitutionally scrutinized by the judiciary and before becoming the law, it will be corrected by the legislature in the light of such constitutional scrutiny via judicial pre-law review. Then there will be no need to correct it for a particular individual, that too, by the judiciary. Put simply, when the judiciary highlights a defect at the pre-law judicial review stage, the legislature will either correct the same or will provide exceptions in express words as intended by the legislature. In this way, separation of powers can be insured; otherwise, a collective dictatorship of the elected persons and uncertainties will dance over the coffins of the poor.

It is now time to redefine democracy. The question put is whether elected members of parliament alone represent the will of the people and, therefore, are not answerable to the court? The preamble of the Constitution is referred to stating that it is the "will of the people of Pakistan to establish an order". In short, the court and its empowerment by the people through the constitution have to be seen as a bedrock of democratic rule. And what after all the name of progress! Why deter from further progress, provided the direction is correct and the intention is humanitarian? In this way, the known world has reached from antiquity/stone age to Enlightenment. Human conditions change, thinking changes and as such life goes on from good to better. It may be visualized that one day there will be a Legislative Bench in the High Court like the present Green Bench, Utility Bench, Company Judge, and so on. A procedure may be prescribed whereby the parliamentarians will be exempted from appearing in the Courts and instead their counsel and representatives will defend their legislative performance vis-a-vis the citizens. It may ensure answerability/ accountability and transparency. These are the tools for insuring people's trust in the elected form of government. We will sing then: Our Country is stitched with Law inch by inch/ Nobody is afraid of any punch or pinch. REMEMBER that the Constitution is "a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born." (Edmund Burke, 2003).

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