

Fundamental Rights in the Constitution of Pakistan

Riaz Begum¹

¹Advocate Supreme Court of Pakistan, LL.B., M.A. Political Science, MA English Literature
Department of Law, Political and Constitutional Studies A research paper for the degree of
Master of Philosophy (Constitutional Law and Political Institutions) Faculty of
Law, Social, Political and Behavioral Sciences Email: kwlawassociates@gmail.com

DOI: <https://doi.org/10.63163/jpehss.v3i3.640>

Abstract

Fundamental rights constitute the bedrock safeguarding liberties within any constitutional democracy, asserting the rule of law against the caprice of power. The Constitution of Pakistan, 1973, delineates a comprehensive catalogue of such rights in Articles 8 to 28, reconciling internationally accepted human rights norms with the ethical imperatives of Islamic jurisprudence. This investigation canvasses the structural coherence, substantive breadth, and judicial enforceability of these constitutional liberties, attending to their philosophical foundations, the jurisprudential trajectory that has shaped their application, and the enduring impediments to their complete fulfilment. The enquiry also examines the interplay between the rights-affirming clauses and the deployment of executive authority, highlighting the judiciary's tripartite role in expanding, safeguarding, and, when warranted, in restraining the ambit of rights protection. The discussion is contextualized within a comparative constitutional framework, and the essay culminates in a series of recommendations designed to fortify rights-oriented governance in Pakistan.

Keywords: Fundamental Rights, Parliament, Judiciary, Executive, Military, 1956 Constitution, 1962 Constitution, 1973 Constitution,

Introduction

Fundamental rights lie at the core of Pakistan's constitutional framework; they are designed to protect individual freedoms, ensure equal treatment, and affirm the equal worth of every person. Enshrined in Part II, Chapter 1 of the 1973 Constitution, these rights are framed not as aspirational principles but as enforceable safeguards that limit arbitrary state action. Under the Constitution, they are to be invocable through specified remedies, providing a legal firewall against overreach by the executive, the legislature, and the institution of government as a whole.

The effective realisation of these rights, however, depends on variable combinations of political intent, evolving judicial doctrine, and the overall strength of institutions. Courts have, at different junctures, shaped the practical reach of these entitlements, sometimes broadening their application through generous interpretation and, at other times, yielding to executive claims of national security or public order. This article provides an analytic survey of Pakistan's constitutional corpus of fundamental rights, mapping their systematic distribution, evolving judicial construction, and the procedural hurdles facing enforcement. Embedding this national discourse within both comparative constitutional law and Islamic jurisprudence, the study elucidates the multidimensional challenges and prospects for governance anchored in rights. Each right is calibrated against the provision allowing Parliament to enact reasonable restrictions in the interest

of public order, morality, and national security, so long as the core of the right remains intact. Enforcement mechanisms are firmly situated in the constitutional text, principally through the High Courts' writ jurisdiction under Article 199 and the Supreme Court's original jurisdiction pursuant to Article 184(3).

Problem Statement

In spite of the provision of a strong collection of fundamental rights in the 1973 Constitution the entrenchment and uniform application of these rights in Pakistan is shaky. Civil and political freedom as described in the constitution text is a well-established structure, which has however been continuously undermined during the passage of time because of several historical process, political and institutional factors. The key empirical question is how to explain the consistent failure of constitutional guarantees of fundamental rights to foster a stable environment of rights protection in a polity with a defined constitutional order and what factors explain such gap between the promise of the text and the reality on the ground.

Objectives of the Study

General Objective

To carry out a critical analysis of the origin and evolution of the fundamental right framework in the constitutional history of Pakistan and portray the challenges constantly faced, normative failures as well as the possible ways of consolidating the fundamental rights framework.

Specific Objectives

- To outline the chronology of the basic rights in the course of the three major constitutions adopted in 1956, 1962 and 1973 and to analyse the character of any changes that the later amendments brought about.
- To examine the role of parliamentary, executive, military and judicial branches of Pakistan in enforcing, or undermining, fundamental rights in Pakistan.
- To measure the continued survival of the colonial era laws and their effect on limiting the fundamental rights.
- In order to carry out a comparative analysis, the scope of this paper aims at questioning the securing of fundamental rights in India, Turkey, and South Africa.
- To shed some light on the threats of the problems such as the extremism of religions, federalism, and the excess of the role of the judge to the realisation of the fundamental rights in full.

Research Questions

It is with the following research questions that the problem will be explored:

- How has the interaction of the judiciary with the military and the executive been in the operationalization and in some instances, the abandonment or suspension of the fundamental rights?
- Why have the fundamentals of the doctrine of necessity and other doctrines propounded by the court assisted or contributed to the diminution of the supremacy of fundamental rights in the times of constitutional crisis?
- How do the pressures of enforcing fundamental rights in Pakistan compare with the experiences of other postcolonial democracies e.g. India, Turkey, and South Africa?
- What are those structural and normative reforms which are necessitated to strengthen the security of fundamental rights and to make them enjoyable by every citizen of Pakistan in a practical manner?

Justification for the Study

This investigation is analytically important for a number of reasons. Firstly, the study of the evolution of fundamental rights is important for understanding the empirical continuities in the fragility of the polity and the regression of democracy in Pakistan. Secondly, this study places Pakistan's experience in the broader post-colonial literature on the formation and building of the state and its institutions. Thirdly, the comparative perspective of India, Turkey, and South Africa is productive for the Pakistan's ongoing constitutional discourse. Last, this study contributes to the literature on constitutionalism in the developing world by systematically examining the peculiarities of Pakistan's fundamental rights constitutionalism.

Brief Methodology

The study will be approached qualitatively from a historical-analytical and comparative perspective. Primary sources will comprise constitutional documents, parliamentary debates, and judicial pronouncements as well as secondary sources, and interviews with legal and human rights experts. The analysis will be thematic, emphasizing the persistent challenges, stagnation, and instances of constitutional failure in the substantive and protective legal framework of fundamental rights.

Scope of the Study

The study will focus on the constitutional development of fundamental rights in Pakistan from the date of independence to contemporary times, paying particular attention to the constitutional documents of 1956, 1962, and 1973. The study will analyze the roles of the judiciary, the elected bodies, and the military in relation to the development of the fundamental rights provision. Comparative perspectives will be drawn primarily from the constitutional experiences of India, Turkey, and South Africa for the purpose of broadening the scope of the study.

Limitations of the Study

These limitations are accepted. The key archival documents from the foundational years are strategically limited. Judicial and political records, especially from the higher echelons, may be influenced by interpretative bias. Obtaining elite political figures for interviews may pose a challenge. Lastly, the constitutional landscape of Pakistan is ever-changing, which complicates long-term projections.

Organization of the Study

The dissertation is divided into seven chapters. In the first chapter, the reader will be provided with an introduction which will offer a historical overview, a problem definition, objectives, and the methods used for the study. In chapter two, fundamental rights and constitutional law will be the focus of the literature review. The subsequent chapters will explore the topic through historical, institutional, and comparative lenses to formulate the conclusions and the recommendations.

Literature Review

The idea of fundamental rights has evolved over centuries, cultures, and legal systems, with each contributing unique philosophical and normative foundations. In Pakistan, the 1973 Constitution enshrines these rights in Articles 8 to 28, reflecting a mix of Islamic values, colonial legal heritage, and international human rights norms. Scholars have examined this hybrid framework through various lenses, including constitutional law, Islamic jurisprudence, comparative legal theory, and human rights advocacy. This literature review examines key contributions across four areas: (1) Pakistan's constitutional guarantees, (2) the Universal Declaration of Human Rights (UDHR), (3) the Magna Carta, and (4) the Khutba Hijjatul Wida.

Fundamental Rights in Pakistan's Constitution

Legal scholars such as Osama Siddique and Hamid Khan have critically examined the evolution of rights in Pakistan's constitutional history. Siddique's *Pakistan's Experience with Formal Law* argues that while the Constitution provides a strong framework, enforcement remains inconsistent due to executive overreach and judicial ambivalence. Khan's *Constitutional and Political History of Pakistan* traces how rights provisions have been suspended or diluted during military regimes, particularly under Articles 232-237 (emergency powers). Recent studies, including Dr. Naveed Ahmed's critical analysis, highlight the judiciary's role in interpreting and enforcing rights under Articles 184(3) and 199. Landmark cases like *Shehla Zia v. WAPDA* (PLD 1994 SC 693) expanded the scope of Article 9 (Right to Life) to include environmental protection, while *Benazir Bhutto v. Federation* (PLD 1988 SC 416) emphasized political freedoms. However, scholars like Muhammad Ahsan Iqbal Hashmi argue that despite textual guarantees, rights remain a "constitutional promise or a distant dream" due to institutional weaknesses, political interference, and socio-cultural barriers. The 18th Amendment introduced new rights (e.g., Article 19A - Right to Information, Article 10A - Right to Fair Trial), yet implementation remains inconsistent.

Universal Declaration of Human Rights (UN Charter)

The UDHR (1948) is widely regarded as the cornerstone of modern human rights discourse. Scholars such as Jack Donnelly and Philip Alston emphasize its universality and moral authority, despite its non-binding nature. The UDHR's influence on Pakistan's Constitution is clear in provisions related to equality (Article 25), freedom of religion (Article 20), and protection against arbitrary detention (Article 10). Alan Gledhill's comparative study notes that Pakistan's rights framework borrows heavily from the UDHR, particularly in its emphasis on civil and political liberties. However, Pakistan's reservations on certain international covenants (e.g., ICCPR) and its selective compliance with treaty obligations have drawn criticism from bodies like the UN Human Rights Committee. Scholars also highlight the tension between universal rights and cultural relativism. Abdulaziz Sachedina and Mashood Baderin explore how Islamic states reconcile international norms with religious values an issue central to Pakistan's constitutional identity.

Magna Carta (1215)

The Magna Carta is often hailed as the first written document to limit sovereign power and affirm legal rights. Legal historians such as J.C. Holt and Claire Breay argue that while its original context was feudal, its legacy shaped constitutionalism and the rule of law in common law jurisdictions. In Pakistan, the Magna Carta's influence is indirect but significant. The idea of due process, equality before the law, and protection from arbitrary detention enshrined in Articles 4, 9, and 10 echo the spirit of Magna Carta's clauses. Scholars like Dr. Naveed Ahmed trace this lineage through colonial legal traditions and the Government of India Act (1935), which served as a precursor to Pakistan's early constitutions. However, critics caution against romanticizing Magna Carta's relevance. A.V. Dicey's theory of legal equality and Lord Denning's writings remind us that its principles must be adapted to contemporary contexts, especially in postcolonial states like Pakistan.

Khutba Hijjatul Wida (Farewell Sermon)

The Khutba Hijjatul Wida, delivered by Prophet Muhammad during his final pilgrimage, is revered as a foundational text on Islamic human rights. It emphasizes the equality of all humans, the sanctity of life and property, gender justice, and social accountability. Islamic scholars such as Dr. Muhammad Hamidullah, Maulana Wahiduddin Khan, and Justice Muhammad Taqi Usmani interpret the sermon as a moral charter that predates modern rights discourse. The sermon's emphasis on non-discrimination ("No Arab is superior to a non-Arab...") and protection of

women's rights resonates with Articles 25 and 34 of Pakistan's Constitution. Contemporary jurists like Dr. Tahir Mahmood and Dr. Asifa Quraishi-Landes argue that Islamic jurisprudence offers a rights-based framework rooted in divine accountability rather than state sovereignty. This perspective challenges Western liberal models and calls for a culturally grounded understanding of rights. In Pakistan, the Khutba's principles are reflected in the Objectives Resolution (1949) and the preamble of the 1973 Constitution, which affirm that sovereignty belongs to Allah and that citizens shall live in accordance with the Quran and Sunnah.

Synthesis and Research Gap

The literature reveals a rich but fragmented discourse. While Pakistan's Constitution draws from all three traditions, the UN Charter, Magna Carta, and Khutba Hijjatul Wida scholars rarely analyze them together. Most studies focus on one source or compare Pakistan with other postcolonial states (e.g., India, South Africa). There is a clear gap in scholarship that integrates Islamic moral teachings, Western constitutionalism, and international human rights norms into a unified framework.

Constitutional Structure of Fundamental Rights

Articles 8 to 28: The Rights Framework

The Constitution of Pakistan delineates fundamental rights into the following systematic categories:

Article	Right Guaranteed
8	Laws inconsistent with fundamental rights to be void
9	Security of person (Right to life and liberty)
10	Safeguards against arrest and detention
10-A	Right to fair trial
11	Prohibition of slavery and forced labour
12	Protection against retrospective punishment
13	Protection against double jeopardy and self-incrimination
14	Dignity of man and privacy of home
15–19	Freedoms of movement, assembly, association, speech, and religion
20–22	Religious and educational rights of minorities
23–24	Property rights
25	Equality of citizens
25-A	Right to education
26–27	Non-discrimination in public places and employment
28	Preservation of language, script, and culture

Each of these rights is tempered by the principle that the legislature may impose reasonable restrictions for the preservation of public order, morality, and national security, provided that such restrictions do not negate the essential substance of the right. The Constitution also includes mechanisms for enforcement, notably through the writ jurisdiction of the High Courts under Article 199 and the original jurisdiction of the Supreme Court under Article 184(3).

Doctrinal Foundations and Interpretive Trends

Liberal vs. Restrictive Interpretation

Judicial exposition of fundamental rights in Pakistan has alternated between expansive and constrictive doctrines.

- In *Shehla Zia v. WAPDA* (PLD 1994 SC 693), the Court embraced a liberal construction of Article 9, asserting that the right to life subsumes the right to a clean and healthy environment. This ruling represented a decisive doctrinal advance, harmonising domestic jurisprudence with the evolving lex of international human rights and contemporary environmental ethics.
- Conversely, in the *District Bar Association v. Federation of Pakistan* (PLD 2015 SC 401), the Court affirmed the constitutionality of military courts introduced by the 21st Amendment, citing imperative national security exigencies. The ruling duly acknowledged the continued availability of judicial review, yet adopted a relatively deferential stance toward executive discretion, eliciting apprehension regarding the attenuation of the procedural safeguards enshrined in Article 10-A.

These divergent outcomes underscore the judiciary's concurrent functions: guardian of fundamental rights and, on occasion, sanctioner of expanded executive latitude. The discretionary interpretive framework permissible to the courts permits both the forward propulsion and the cautious retrenchment of constitutional safeguards, calibrated to the prevailing political and institutional milieu.

Judicial Activism and Public Interest Litigation

The institutionalisation of public interest litigation (PIL) has repositioned the judiciary as a vigorous enforcer of constitutional guarantees. Exercising suo moto authority conferred by Article 184(3), the Supreme Court has orchestrated interventions in instances of endemic injustice and institutional dysfunction. The *Mukhtaran Mai Case* (Suo Moto 2006) epitomises this evolution, in which the Court reaffirmed the inalienable entitlement to human dignity under Article 14 and mandated comprehensive institutional reforms to shield survivors of gender-motivated violence.

- Public interest litigation has allowed the judiciary to confront systemic abuses affecting socially vulnerable populations— bonded labor, ecological harm, and educational exclusion among them. Nonetheless, commentators caution that prolonged judicial engagement jeopardizes constitutional separation of powers and invites political contamination of the courts. The central dilemma is to calibrate necessary judicial activism against prudent institutional self-restraint, such that the vindication of rights avoids usurpation of legislative or executive prerogatives.
- Islamic Republic status mandates that courts read each fundamental right through the prism of Islamic tenets. Cited regularly in judicial opinions, the Farewell Sermon of the Prophet Mohammed foregrounds justice, equity, and the inviolability of human dignity. On this basis, the superior judiciary has ruled in favor of gender parity, against arbitrary detention, and in defense of the sanctity of life.
- When Islamic ethics interweave with constitutional doctrine, the resultant jurisprudence resonates with local cultural values while simultaneously accommodating global human rights aspirations. Courts thus gain substantive legitimacy and civic confidence. Nonetheless, the ad hoc harnessing of religious precept invites doctrinal vagueness and variable outcomes,

particularly in litigation touching on blasphemy, the entitlements of religious minorities, and the regulation of marriage, divorce, and inheritance.

Enforcement Mechanisms and Institutional Challenges

Judicial Remedies and Pathways to Access

Protective rights are actionable, principally through constitutional recourse, namely writ petitions under Article 199 and suo motu proceedings under Article 184(3). A developed corpus of habeas corpus, mandamus, and certiorari has allowed the courts to confront rights infringements, yet the journey to justice remains irregular. Procedural bottlenecks, inadequate resources, and limited public knowledge of rights obscure effective redress. The lack of dedicated constitutional benches and uneven adherence to precedential authority create uncertainty in rights cases. The courts' authority to compel executive compliance diminishes in the face of institutional disunity and the executive's selective acquiescence.

Executive Encroachment and Legislative Shortfalls

A preponderant executive branch jeopardizes the promise of fundamental rights. Recurring adoption of ordinances, preventive detention regimes, and emergency orders circumvents legislative oversight and dilutes constitutional protections. The now-repealed Protection of Pakistan Act (2014) exemplified such overreach: broad agency leeway, indefinite detention, and curtailed procedural safeguards provoked widespread unease about arbitrary authority and procedural scarcity.

- Legislative deficits continue to afflict the legal landscape, especially concerning privacy, data protection, and anti-discrimination protections. The lack of enabling statutes for Article 25-A, which guarantees the right to education, has obstructed its efficacy, leaving millions of children outside the educational system. Thus, enhancing the legislative corpus is imperative to translate constitutional guarantees into enforceable entitlements and to secure their observable effect in everyday life.
- Socioeconomic inequities and cultural impediments compound the problem. Persistent poverty and exclusionary structures curtail the capacity of individuals to enforce their entitlements. Women, religious minorities, and rural communities encounter entrenched obstacles to justice, education, and healthcare. Normative cultural codes and patriarchal structures further restrict the realization of rights, particularly regarding personal autonomy and gender parity.
- Tackling these complex obstacles mandates a comprehensive approach. Legal reform must be paired with strengthening institutional competences and launching sustained public education. Only when rights are infused into both the constitutional framework and the everyday life of institutions and communities can their normative power be fully actualized.

Comparative Constitutional Perspectives

Pakistan's system of fundamental rights mirrors features of several post-colonial constitutions, notably those of India, South Africa, and Kenya. The Indian Supreme Court has interpreted Article 21, guaranteeing the right to life, to encompass environmental integrity, the right to education, and the right to a livelihood. The doctrine of basic structure, articulated in the *Kesavananda Bharati* judgment, bars Parliament from enacting amendments that erode the core fabric of rights guaranteed by the Constitution.

- The South African Constitution, by contrast, explicitly enshrines socio-economic rights and obliges the state to pursue their progressive realization by adopting reasonable legislative and other measures; the Constitutional Court has translated this mandate into binding enforceability through celebrated judgments in housing, health care, and education.

- Kenya's 2010 Constitution presents a unified Bill of Rights and empowers independent commissions to oversee compliance and accountability. Drawing from these constitutional experiences, Pakistan can reinforce its own rights architecture by institutionalizing mechanisms for enforcement, fortifying judicial independence, and fostering a vibrant civil society that actively participates in rights discourse.

Recommendations for Strengthening Rights-Based Governance

Establish focused judicial mechanisms by creating specialized constitutional benches at the High Court and Supreme Court levels to adjudicate fundamental rights disputes. Such benches should be supported by targeted judicial retraining that combines advanced instruction in rights jurisprudence, comparative constitutional law, and the ethics of Islamic law, thereby equipping magistrates with the requisite analytical dexterity for principled and coherent adjudication.

- **Legislative Reform and Codification:** - Parliament must adopt enabling statutes to bring dormant constitutional provisions, including Article 25-A (right to education) and Article 14 (dignity and privacy), into full operational reality. Prioritization should be given to comprehensive laws on privacy, anti-discrimination, and digital rights, ensuring a proactive legislative response to contemporary digital challenges.
- **Strengthen Civic Education and Legal Literacy:** - National public awareness initiatives and revised school curricula should systematically incorporate constitutional literacy, elucidating the substance of fundamental rights and the available mechanisms for their enforcement. Legal aid infrastructure must be significantly expanded, particularly in rural and remote areas, to guarantee that marginalized groups can access the justice system without financial impediment.
- **Institutional Accountability and Oversight:** - Oversight mechanisms for law enforcement and intelligence agencies must be robustly strengthened to deter and remediate abuses of authority. Legislative committees, ombudsman institutions, and mechanisms for judicial review should be decisively empowered to examine rights violations and to compel compliance with constitutional standards.
- **Promote Inclusive Jurisprudence:** - Courts ought to embrace an intersectional lens in rights adjudication, recognizing the cumulative and mutually reinforcing vulnerabilities experienced by women, ethnic and religious minorities, and persons with disabilities. Judicial reasoning should be systematically grounded in the socio-economic realities of marginalized populations, ensuring that the full context of disadvantage is integrated into legal analysis.

The consolidation of regional and global partnerships can bolster Pakistan's commitment to human rights. By actively participating with regional human rights commissions and supporting institutions such as the United Nations Office of the High Commissioner for Human Rights, Pakistan can exchange effective practices, solicit technical support, and harmonize its legal and institutional framework with internationally accepted human rights benchmarks. Early ratification and diligent domestic implementation of core human rights treaties can further entrench the rights enshrined in the Constitution and elevate the country's stature within the international community.

Case Law Analysis

Shehla Zia v. WAPDA (PLD 1994 SC 693)

Issue: Does environmental harm constitute a violation of the right to life under Article 9?

Judgment: The Court found that the right to life includes both the right to a clean and healthy environment.

Comparative Insight:

- UDHR Article 3: Right to life, liberty, and security of person

- Khutba Hijjatul Wida: Protection of life from environmental and social harm
- Magna Carta: Prevents the State from causing arbitrary damage

Impact: This decision adds shift article 9 to include more than mere biological existence, aligning internal legal frameworks with global environmental commitments and Islamic ethical principles.

Benazir Bhutto v. Federation of Pakistan (PLD 1988 SC 416)

Issue: Contest of the executive curb on the political activities and movement of individuals.

Judgment: Affirmed the political participation and freedom of movement enshrined in Articles 15 and 17.

Comparative Insight:

- UDHR Articles 13 and 21: Guarantees of movement and political participation
- Khutba Hijjatul Wida: Requisite of justice and social equality in public life
- Magna Carta: Right to move freely and to access the courts without obstruction

Impact: The decision strengthened the principles of democracy and defined the role of the judiciary as a protector of fundamental rights, thereby fortifying the constitutional and historical provisions of freedom.

Miss Asma Jilani v. Government of Punjab (PLD 1972 SC 139)

Issue: The legality of detention under the imposition of martial law.

Judgment: The Court upheld that martial law was unconstitutional, confirming the strict validity of fundamental rights disregarding any extra-constitutional power.

Comparative Insight:

- Article 9 of the UDHR prohibits arbitrary detention and so does the Magna Carta
- Khutba Hijjatul Wida opposes any form of injustice and upholds the dignity of all humans

Impact: The Court's rejection of necessity restored the 1973 constitution thus, upholding the Pakistan freedom and justice commitment.

Muhammad Nawaz Sharif v. Federation of Pakistan (PLD 1993 SC 473)

Issue: Dismissal of an elected Prime Minister.

Judgment: The Chief Executive's dismissal was declared ultra vires which led to the elected government being restored, and the principle of representative democracy being upheld.

Comparative Insight:

- Article 21 of UDHR provides participation in the government
- Khutba Hijjatul Wida demands the leaders must be held accountable
- Magna Carta provides checks to sovereign power of the state

Impact: This ruling reinforced the constitutional representative government which was marked with the lost trust on the judiciary in safeguarding democracy.

District Bar Association, Rawalpindi v. Federation of Pakistan (PLD 2015 SC 401)

Issue: The courts' jurisdiction is limited by the 21st Constitutional Amendment, which initiates the establishment of military antiterrorist courts.

Order: The Amendment is integrated into the Constitution, however, the antiterrorist courts retain the right to be contested in higher courts.

Comparative Insight:

- Article 10 of the UDHR: Assures hearing will be conducted in a public forum
- Magna Carta 1215: Right to a trial by his equals in the lawfully constituted courts of the realm
- Khutba Hijjatul Wida: Hujjatul Wida: Stipulates the need of justice and other legal procedures

Impact: This exemplifies the balancing of security concerns and individual freedoms by the courts while reclaiming the right to the minimum standards of legal process.

Suo Moto Case No. 1 of 2006 (Mukhtaran Mai Case)

Issue: Dignity violation and denial of access to justice perpetrated against a woman by the system.

Order: Recognition of Article 14 and institutional right to dignity, alongside assigned systemic reforms.

Comparative Insight:

- Article 5 of UDHR: No one shall be subjected to torture or to cruel, inhuman or degrading treatment
- Khutba Hijjatul Wida: Prohibits violence against women
- Magna Carta: Prohibits groundless violence against arbitrary violence

Impact: Enabled integrated gender and constitutional equity in Pakistan while aligning the country's legal system with Islamic values and contemporary human rights standards.

Conclusion

The constitutional framework in Pakistan demonstrates profound commitment to human beings, their freedom, and equal treatment. These rights are not simply aspirations outlined in a policy document; rather, they are enforceable safeguards that delineate the scope of government power. Even so, achieving these rights and protections is inconsistent due to social customs, judicial activism and inaction, executive overreach, legislative procrastination, and social attitudes. The interpretation of individual rights and their limits has, nevertheless, been broad enough to enhance personal freedoms and is usually anchored in contemporary constitutional principles alongside Islamic moral doctrines. Judicial neutrality is no less crucial; the courts strengthen institutional integrity and the broader protective framework of democratic governance that is under severe risk, without which engendering a democracy would not be possible, only weakens the claim to democratic governance. Pakistan can be further advanced using lessons from other constitutional systems. Building a solid scaffold using other systems' approaches to institutional construction, rights protection, and public participation can engrave fundamental rights in the legislation and policy-making of Pakistan and the consciousness of its society. The proclaimed commitment to fundamental rights should be matched with equal resolve to ensure that such a commitment is lived on a day-to-day basis. This undertaking requires more than just legislative changes and active courts. It demands a society that actively and continuously affirms the equal worth of every human being to undertake a deeper social reorientation. Such a sustained effort multidimensionally could enable Pakistan to come closer to the constitutional vision of a republic where the ideals of social justice, inclusive participation, and the respect of rights are not merely aspirations but actual lived experiences for all people.

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Ms. Riaz Begum, Advocate Supreme Court of Pakistan, brings over 18 years of diverse legal experience, specializing in corporate and commercial law, taxation, criminal law, civil litigation, service matters, and arbitration. As Senior Partner at Zahwar Law Associates, she has advised and represented leading national and international organizations, including the Federal Board of Revenue, OGRA, IESCO, LESCO, the Ministry of Law & Justice, Pakistan Post, Votatum (USA), and Farhat & Co. (UAE). With extensive practice across all judicial forums in Pakistan and valuable international exposure, particularly in the Middle East, she combines technical legal expertise with practical strategies to deliver effective, client-focused solutions in both domestic and cross-border matters.