

PUBLIC INTEREST LITIGATION IN PAKISTAN: A CRITICAL ANALYSIS OF ITS ROLE IN PROMOTING SOCIAL JUSTICE

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Abstract

The concept of Public Interest Litigation (PIL) has become a crucial constitutional instrument in Pakistan for combating systemic injustices and enhancing social equity for oppressed populations. PIL allows individuals, civil society groups, and public activists to appeal to higher courts against administrative failures, environmental degradation, bonded labour, and breaches of fundamental rights by lifting traditional locus standi dogmas and allowing representative or public-spirited petitions. This paper will follow the history of PIL according to Article 184(3) of the 1973 Constitution, the most important jurisprudential cases in its development, and its pros and cons in the implementation of the socio-economic rights. The review singles out certain notable remedial inventions, such as the extension of mandamus and monitoring committees, and recurring problems such as judicial over activity, politicization of petitions, lack of procedural transparency, and ineffectiveness of enforcement. To uphold the remedial power of PIL and safeguard the constitutional boundaries, the paper recommends a doctrinal clarification, procedural defence, greater judicial power, statutory guidance, and more legal aid to ensure that PIL remains a useful, effective instrument of inclusive justice in Pakistan.

Keywords: challenges, historical context, laws, opportunities, theoretical context

Introduction

Public Interest Litigation (PIL) has transformed constitutional access to justice in Pakistan by making wider standing and permitting courts to readily hear grievances, which affect large populations of people, rather than single litigants. PIL is a prominent tool for helping poor communities seek redress in the higher courts in a country where socioeconomic inequality, weak institutions, and limited access to legal remedies are prevalent (Khan, 2023). Traditionally, the doctrine developed through a series of judicial decisions that interpreted Article 184(3) purposively, thereby enabling the Supreme Court to consider issues of public concern and fundamental rights, even when petitioners lacked traditional adversarial standing (Tariq et al., 2024).

PIL procedural malleability has ensured that petitions can be initiated through letters, telegrams, press reports, NGOs, and even through individuals with whom the heart of the matter, and has expanded the avenues to judicial review, such as bonded labour, municipal negligence, and environmental degradation (Khan et al., 2023). However, this flexibility has resulted in a few contradictions: on the one hand, they can guarantee constitutional guarantees and address the failures of the governing bodies; on the other, they have to preserve the separation of powers and not assume the role of policy-making by an elected institution (Khan & Abbasi, 2023). The present article analyzes the history of PIL jurisprudence in Pakistan, its achievements in addressing socio-economic injustice, and the practical and ideological issues

that make sustaining redress challenging (Imran et al., 2023). The three case references have been identified below and can be readily referred to as follows:

Benazir Bhutto v. Federation of Pakistan (PLD 1988 SC 416), which allowed individuals to approach the Court on matters affecting public welfare. Earlier, the judiciary had begun recognizing collective rights.

- i. Darshan Masih (Karachi Electric Supply Corporation) v. The State (PLD 1990 SC 513), where the Court took suo motu notice of bonded labor practices.
- ii. Ms. Shehla Zia v. WAPDA (PLD 1994 SC 693), where the Court recognized the right to a clean environment as part of the fundamental right to life, expanding the scope of PIL into environmental and public health domains.

Research Justification

The role of Public Interest Litigation (PIL) in Pakistan as a constitutional order is contested; hence, this research is justified in terms of balancing the rights enforcement and the institutional boundaries. Despite the proven increase in access to higher courts in disadvantaged constituencies, the consolidated analysis to assess whether PIL is generating long-term socio-economic changes or is just issuing declaratory orders with weak enforcement is still limited. The normative clarification to the doctrinal debate of judicial overreach, especially in cases where courts must address technically complex or economically significant issues, is necessary to provide guidance to judges, practitioners and legislators.

Also, there are gaps in procedures and implementation, which discourage the transformative potential of PIL: court orders are not always followed or supported financially, which minimizes their practical impact. Through the synthesis of case law, doctrinal and policy implications, the paper will aim to make evidence-based suggestions on how PIL practice can be enhanced, such as procedural standards, monitoring frameworks and legal aid expansion.

The research will help judges to tune the remedial design, educate legislators on the value of statutory guidance, and empower civil society by explaining responsible approaches to public interest litigation. Finally, the study can be used in discussions about how the constitutional courts can adequately convert rights into socio-economic realities and not take over the democratic institutions.

Literature Review

The existing academic sources on the topic of Public Interest Litigation in Pakistan are focused on the fact that this type of litigation developed as a result of the traditional adversarial litigation to the rights-based, citizen-oriented judicial process. According to early scholars, the development of the concept of *locus standi* in Benazir Bhutto v. Federation of Pakistan provided an intellectual basis for PIL since an interested citizen could now go to Court (Khan, 2023). Shehla Zia vs. WAPDA is also cited by scholars of judicial activism as a turning point, where environmental rights became a constitutional right to life, with a substantive expansion of PIL (Soomro et al., 2025). The other case, which is cited often, is the case of Darshan Masih v. The State, showing the exercise of the suo motu powers by the Supreme Court to respond to forced labour and the violation of human rights (Ali et al., 2024).

The modern scholarly discourse emphasizes the way PIL turned into an instrument of social justice and accountability of the government. The human rights Case no. 9 of 1992 is often cited by researchers of the relationship between human rights and the role of government since it extended the role of the judiciary in institutional change (Ishfaq et al., 2024). Similarly, the corruption and administrative governance literature frequently mentions *Suo Motu Case No. 4 of 2010* when the Court intervened in corruption scandals (Imran et al., 2023). The studies on the boundaries and issues of PIL refer to *Mehboob Ali v. Islamabad Administration*, where the courts have at times warned of the misuse of PIL to resolve personal conflicts (Khan & Abbasi, 2023).

The newer literature is interested in the evolving nature of PIL in accordance with emerging social, environmental and public health concerns. The environmental jurisprudence literature is inclined to comment on the case of *Khadija Shah v. Government of Punjab*, which concerned the issue of smog management and human health (Malik & Rasheed, 2024). Access to healthcare is often mentioned in studies related to access to *Sindh Institute of Urology and Transplantation (SIUT) v. Province of Sindh*, which emphasizes judicial review of healthcare delivery (Ali et al., 2024). Furthermore, the rest of the literature that is written post-COVID-19 pandemic refers to interventions during nationwide epidemics of a health disorder as an example of judicial intervention in the policy-making process (Safdar, 2025).

Historical Context of Public Interest Litigation in Pakistan

PIL in Pakistan has historical foundations of the initial struggle of the judiciary to create constitutionalism and state power. Ideological training was carried out through the landmark constitutional decisions, such as the case of *Asma Jilani v. Government of Punjab*, which declared that the basic rights take precedence (Ishfaq et al., 2024). It was succeeded by *Begum Nusrat Bhutto v. Chief of Army Staff*, in which the Court cautiously extended its review authority over future discussions of rights and state responsibility (Imran et al., 2023). Returning to civilian rule later, rights-oriented jurisprudence emerged, which culminated in a landmark case of *Benazir Bhutto v. Federation of Pakistan*, leading to the opening of the PIL (Khan, 2023).

PIL experienced growth in the 1990s when courts focused on interpreting the fundamental rights of disadvantaged communities. This began with the Supreme Court exercising its powers *suo motu* in *Darshan Masih v.*, targeting the elimination of bonded labour (Malik & Rasheed, 2024). Following this, the development of environmental and social rights was marked by *Shehla Zia v. WAPDA*, where the Court construed the right to life as including the right to a healthy environment (Soomro et al., 2025). Finally, the institutional environment was strengthened in *Al-Jehad Trust v. Federation of Pakistan*, a case that enhanced judicial independence and accountability (Khan et al., 2023).

PIL came to be deeply entrenched in the constitutional environment of Pakistan in the 2000s and later. Judicial restoration movement helped to initiate a new era of rights-based review that was backed by the focus on constitutionality and division of power (Khan & Abbasi, 2023). Cases like the missing persons saw the Court also broaden PIL to the national-security and human-rights areas (Imran et al., 2023). Moreover, the governance issues, such as the *Rental Power Projects Case*, revealed how PIL had become a notable tool of public accountability and safeguarding of collective rights (Safdar, 2025).

Laws Regarding Public Interest Litigation in Pakistan

Laws that govern the Public Interest Litigation in Pakistan regulate the ethical conduct of law enforcement, judicial authorities and legal practitioners. There are some essential laws that maintain the ethical principles in delivering justice.

1. Article 184(3) of the Constitution of Pakistan: Article 184(3): It gives the Supreme Court the authority to directly take notice of cases that entail the protection of fundamental rights or matters of national interest. This is a constitutional provision that would allow any individual or organization to demand the attention of the Court on behalf of the people, even when such an individual or organization is not personally aggrieved. The use of Article 184(3) to social justice, environmental and human rights abuse as observed in PIL cases like the Benazir Bhutto v. Federation of Pakistan (PLD 1988 SC 416) case, reveals that it is the primary law of PIL.

2. Constitution of Pakistan, Article 199: Article 199: Gives the High Courts power to grant writs, including habeas corpus, mandamus, certiorari and prohibition, to enforce fundamental rights. Through this article, citizens are given a chance to obtain a judicial redress to a government complaint against the executive or administrative authorities. Article 199 has allowed High Courts to entertain many PIL petitions related to environmental protection, labour rights and the health of the population, therefore making it a very important tool towards extending judicial protection to populations that, in other circumstances, would be out of reach.

3. Code of Civil Procedure (CPC), 1908: The Code of Civil Procedure promotes PIL by providing representative suits and claims in the interests of the people. In the CPC, an individual or an institution may initiate a suit on behalf of a group or community, especially when there are many people with the same grievance. It is procedural flexibility that enables PIL to be procedurally started when individuals subjected to it are unable to bring a case before the court themselves because of financial, social or logistical reasons, and has the effect of expanding access to the courts.

4. Pakistan Environmental Protection Act, 1997: The Pakistan Environmental Protection Act (PEPA) is a legislation that offers a legal framework to conserve the environment and the health of the people. This law is frequently used by courts in PIL cases to deal with environmental risks, pollution and breach of environmental regulations. Indicatively, PIL lawsuits involved in protecting industrial emissions, deforestation, or air pollution are based on PEPA to force government agencies and other parties to take action, which exemplifies how statutory law can supplement constitutional provisions to pursue causes of the public interest.

5. Human Rights Systems and Legislation: PIL will also be utilized alongside other human rights systems and legislation, like the Protection Against Harassment of Women at the Workplace Act (2010) and the Punjab Compulsory Education Act, to protect the vulnerable groups. These laws give a legal framework to courts to interfere with issues that concern the welfare of the population, especially where marginalized groups cannot defend themselves. PIL enables the implementation of these laws more efficiently and thus, human rights commitments are fulfilled.

6. Guidelines and Principles developed judicially: The Supreme Court and High Courts have developed principles to govern PIL, although these are not contained in one law. Such guidelines explain the extent, admissibility, and restrictions of PIL, which makes petitions represent actual public good and not personal or political agenda. One of the principles is transparency, the absence of wasteful litigation, and the proper realization of judicial orders. Such doctrines have been explained in many instances, such as *Mehboob Ali v. Islamabad Administration* (PLD 1996 SC 324) and the *Rental Power Projects Case* (2012 SCMR 773), and they constitute a significant element in the legal framework of PIL in Pakistan.

Challenges for Public Interest Litigation in Pakistan

A number of interconnected issues limit the effectiveness and legitimacy of Public Interest Litigation in Pakistan. First, there are issues of judicial overreach: when courts make wide policy pronouncements, they can overlap with legislative and executive powers, which can create constitutional tension of separation of powers and institutional tensions. Second, there is the danger of abuse in case petitions are being lodged on partisan grounds, or personal gain or a reputational interest in the name of the general good, and dilute true claims and destroy the confidence of the people. Third, there is still procedural ambiguity, in that no standard statutory framework exists regarding PIL, including admission criteria, standing policies and administration practices, which are different on different benches, contributing to inconsistency and fostering forum shopping.

Fourth, implementation is often hampered by enforcement and capacity issues: specialized knowledge, administrative collaboration, finances and specific monitoring facilities are often insufficient, leading to judicial orders that are not implemented at all or are only partially fulfilled. Fifth, there is doubt on the sustainability of remedies in which the courts give broad structural orders without ensuring that they have implementation arrangements, schedules or sources of funds, hence they create unfulfilled expectations among the communities concerned. Finally, accountability and legitimacy concerns emerge as judges with broad-ranging remedial orders act without political directive or administrative expertise, which has led to criticism that courts may not be democratically legitimized to make such interventions.

Opportunities for Public Interest Litigation in Pakistan

Public Interest Litigation enhances institutional responsibility: through judicial review of the public agencies and remedies, courts can encourage compliance with the rules, lessen arbitrariness and promote good governance. Second, Public Interest Litigation strengthens civic society and community lobbyists by expanding access to the higher Courts; NGOS and pro bono counsel can take advantage of Public Interest Litigation to increase grievances that do not have individual litigants.

Third, the procedural malleability of Public Interest Litigation makes possible novel remedial models, under court oversight schemes of implementation, monitoring commissions and graded compliance schedules, which, with adequate resource allocation and differentiation, can yield lasting reform. Lastly, Public Interest Litigation has the capability to fuel policy changes as it highlights loopholes in administration and instigates legislative or regulatory reactions that legalize protections.

Discussion

To analyze the role of Public Interest Litigation in promoting social justice, a fair evaluation of its evident advantages and structural dangers must be made. Public Interest Litigation has led states to act empirically on key fronts, such as environmental remediation, remediation of bonded labor practices and protection of public health. Cases and remedial design will improve through strengthening legal aid, increasing civil society collaborations, and investing in judicial training and specialized benches. Finally, Public Interest Litigation is only effective when there is cooperative action between judiciary, and executive and civil society; in the case that this is present, the courts can also spur lasting social change without necessarily replacing democratic policy-making.

Conclusion

Pakistan has made Public Interest Litigation an inevitable constitutional tool to promote social justice by making higher courts and the protection of basic rights more accessible. Article 184(3) has enabled the jurisprudential expansion to focus on systemic harms that traditional litigation may be unable to cure, with significant public interest-based success in protecting the environment, labor relations, regulation, and governance. However, the further applicability of PIL relies on the clarification of the doctrines, the protection of the procedure and the practical approaches to implementation that do not exceed institutional limits. Policy proposals, special benches, surveillance systems and increased access to legal assistance would enhance the quality of PIL and its practical implications. Focusing on principle-based, minimalistic remedies and cooperative adoption helps to maintain the effectiveness of the judicial system and protect democratic rule.

Recommendations

In order to maintain the Public Interest Litigation as a tool of social justice in Pakistan, a package of complementary changes is required. First, the establishment of a statutory framework or judicial-approved guidelines would help elucidate the admissibility standards, standing provisions and remedial thresholds, to minimize uncertainty and abuse. Second, higher courts need to create special Public Interest Litigation benches, where the socio-economic adjudication, evidence appraisal and policy analysis skills are highly trained in order to enhance the quality of decisions.

Third, increase the legal-aid infrastructure and pro bono programmers considerably so that marginalized groups can start and maintain public interest cases. Lastly, promote simple, principle-oriented judicial decrees that establish constitutional precedents and leave matters of technical implementation to effective administrative bodies.

Research Limitations

The present study is based mainly on legal cases, constitutional provisions and the available literature and no new field work or survey has been conducted. Therefore, it is not possible to give a complete picture of real experiences of people who file Public Interest Litigation or real challenges faced at government offices in implementing court orders. Nor can it easily quantify the long-term social and economic effects of these court orders. Most of the existing literature is mostly focused on popular or successful cases, which may project an overly positive outlook of the effectiveness of Public Interest Litigation. Also, Pakistan does not have a proper central database to keep a track of these cases and to monitor the compliance of court orders, which makes it difficult to study the issue in a holistic and accurate manner.

Research Implications

Theoretically, the courts ought to have articulated publicly available principles of accepting and handling Public Interest Litigation to reduce abuses whilst maintaining remedial latitude. The policy implications involve statutory or administrative arrangements for implementation, such as budgetary planning, inter-agency coordination, and technical assistance to ensure compliance. Institutional-level investments in judicial capacity, special benches, and monitoring units will enhance the quality and enforceability of Public Interest Litigation orders.

The growth of civil society and legal aid is essential to provide equal access and representative litigation. To support future scholarship, comparative and empirical studies which quantify the social outcomes of Public Interest Litigation choices in the long term will furnish data to tighten remedial design and procedural protections.

Future Research Directions

Future research on Public Interest Litigation (PIL) should be conducted in real-world settings to examine the impact of Public Interest Litigation (PIL) on social and economic conditions. It should employ both qualitative and quantitative methods to evaluate how court orders and laws made for regulations result in changes in areas such as health, education, labor and the environment. Also instructive is to compare countries such as India, South Africa and others where Public Interest Litigation has expanded and then been reformed. This might help in finding better ways of accepting cases, designing remedies and improving supervision systems related to public interest litigation in the country Furthermore as fundamental rights are described in the constitution of Pakistan.

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