



Role of Strategic Litigation in Reclaiming Civic Space in Pakistan

Policy Brief

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Executive Summary

Pakistan's civil society has faced a severe contraction in operational space over recent years, exacerbated by a restrictive regulatory environment, arbitrary executive actions, and increasing coercion. The traditional reliance of many civil society organizations (CSOs) on funding has intensified scrutiny and regulatory challenges, undermining their ability to operate effectively. Additionally, restrictions on mainstream and social media, along with increased self-censorship among journalists, lawyers, and other civil society actors, have further curtailed civic space.

Amid these challenges, strategic litigation emerges as a crucial tool for civil society to reclaim and expand its operational space. Strategic litigation, or public interest litigation (PIL), involves bringing carefully selected legal cases to court to achieve broader social change. It serves as a mechanism for addressing systemic issues and advocating for the protection of fundamental rights. The Lahore High Court has defined public interest litigation as legal action aimed at enforcing public interest and addressing grievances affecting marginalized and weaker segments of society. This approach provides citizens with the means to challenge injustices and advocate for their rights, even in the face of a repressive environment.

The judiciary in Pakistan has historically played a pivotal role in protecting human rights through strategic litigation. Landmark cases, such as those involving the invalidation of martial laws and the abolition of bonded labor, have demonstrated the potential of strategic litigation to effect significant legal and social reforms. Politicians, too, have utilized strategic litigation to address electoral issues and challenge repressive policies, highlighting its importance across different sectors.

Despite its potential, the use of strategic litigation is not without challenges. The judiciary's role is sometimes marred by inconsistency, and there are concerns about judicial activism encroaching on legislative functions. However, the judiciary's engagement in protecting human rights and addressing grievances remains a critical aspect of its role, particularly when other state organs fail to uphold constitutional principles.

In addition to traditional judicial avenues, civil society can leverage statutory frameworks such as the Right to Information (RTI) laws and the Right to Public Services Act. These statutes provide mechanisms for holding public authorities accountable and improving service delivery. Civil society groups can strategically use these tools to enhance transparency, advocate for policy changes, and address systemic failures. Overall, strategic litigation offers a promising avenue for civil society in Pakistan to navigate the shrinking civic space and advocate for fundamental rights. By harnessing judicial forums and statutory provisions, civil society can work towards reclaiming its space and fostering a more open and accountable governance environment.

This policy brief outlines the role of strategic litigation in countering the constraints imposed on civil society in Pakistan. It provides an overview of the legal and practical aspects of strategic litigation as a tool for social change, emphasizing its historical context and current relevance. The brief also addresses the challenges and limitations of using litigation as a strategy, while proposing actionable recommendations for civil society organizations to effectively employ this approach. By presenting case studies and statutory frameworks, the brief aims to equip stakeholders with a comprehensive understanding of how strategic litigation can be leveraged to protect and expand civic space in Pakistan.

Context and Challenges to Civil Society in Pakistan:

Pakistan's civil society faces a multitude of challenges that can be loosely characterized as existential. The challenges look like an existential crisis when analyzed in the context of the changing dynamics of civil society over the past three decades. Since the 1990s, traditional civil society voices have organized themselves into non-governmental organizations, successfully seeking and utilizing funding from international donors. Most civil society organizations, mainly those interested in civil and human rights, have been using donor money to stay relevant and, in many instances, positively influence the policy environment in favor of the weak and marginalized.

However, the ever-tightening and complex regulatory regime, bordering on hostility, has lately curbed the operating space for civil society organizations, particularly those dependent on donor funding. Over the past twelve years, a great deal of civic space has been lost due to various factors, including the executive branch's arbitrary regulations, disparate interpretation of policy and law in implementation, and plain coercion.

Civil society organizations, particularly those using foreign contributions, must comply with various policies, legal frameworks, and administrative procedures that govern their registration, operations, and funding activities. These compliances are three-tiered, including a primary registration under thematic laws, a secondary registration under Charities laws, and adherence to arbitrary policy frameworks like the Economic Affairs Division (EAD)'s MoU, Home Department's No Objection Certificates (NOCs) and challenging compliance requirements for operating and maintaining bank accounts. The inconsistent implementation of these policies, often subject to interpretation by various government stakeholders, creates significant hurdles for civil society organizations working under time-sensitive and time-bound conditions.

Traditional civil society with inland funding sources has also been subjected to strict regulations and coercion. Curbs on mainstream media, restrictions on social media, and the subsequent practice of self-censorship have increased in the past decade. Associations and unions representing journalists, lawyers, and doctors also complain of shrinking space, imposing restrictions on free speech and expression, and the liberty to comment upon specific state policies and actions.

This is not the first time that civil society, particularly NGOs, have faced this somewhat hostile environment. During the last years of the 20th century, NGOs witnessed an extensive crackdown, which civil society successfully pushed back with the help of political players and parties. However, the ability of political parties to come to the rescue of civil society is also compromised this time around. Many political parties face challenges in exercising their rights of speech and expression as they come under the tight scrutiny of the state.

Nonetheless, political parties and their leaders that come under the government's coercive radar often seek judicial remedies, invoking courts' original jurisdiction of protecting human rights guaranteed under the constitution. Civil society has also sporadically knocked on the doors of the judiciary to seek such relief. Although not to the complete satisfaction of political parties and civil society, the judiciary has offered considerable relief by rejecting the executive's arbitrary orders and turning down the legislations that are ultra vires to the

constitution. Lately, the higher judiciary, i.e., High Courts and the Supreme Court, has restarted liberally exercising their original jurisdiction by taking up petitions filed by political leaders or by taking self-cognizance of breaches of the constitution's letter and spirit. They have been very active in taking up cases under their original and appellate jurisdictions of violations of fundamental human rights.

Strategic Litigation and its use for the Promotion of Civic and Human Rights in Pakistan:

The word litigation refers to the process of taking legal action; it is the act or process of bringing or contesting a legal case in a court of law. Litigation typically involves a dispute between two or more parties that is resolved through the judicial system. Strategic litigation, interchangeably used as public interest litigation or simply PIL, is a method that can bring about significant changes in the law, practice, or public awareness by taking carefully selected cases to court. The clients involved in strategic litigation have been victims of wrongs that may be suffered by many, but only a few choose to report. This way, strategic litigation focuses on an individual case to bring about a change that may be useful for the larger society¹.

Interestingly, the Lahore High Court (LHC) has defined public interest litigation, which can be helpful for civil society actors to use while reclaiming their space.

Based upon definitions in the Black Law Dictionary and previous judgments of Pakistani courts as well as a Malaysian court^{2,3,4,5}, LHC in its 2013 judgment in the Iqbal Ahmad Dhudhi versus Federation of Pakistan case, declared that "the legal action initiated in a court of law for the enforcement of public interest or general interest in which the public or class of the community have pecuniary interest or some interest by which their legal rights or liabilities are affected. The concept of public interest litigation provides all citizens with inviolable access to justice to protect and enforce their fundamental human rights to life and liberty, etc. Public interest litigation aims to remedy the wrongs done to the poor, unprivileged people, and weaker segments of society lacking the power or resources to access justice. The principles of "locus standi" or "aggrieved person," having been liberally interpreted by the courts in the recent past, provide a right to a person having bona fide interest to maintain a petition in the larger public interest subject to fulfilling other requirements under Article 199 of the Constitution."

This judgment extends the locus standi to any citizen who feels a breach of their fundamental rights. The only condition is that this interest should be bona fide. However, Pakistan's higher judiciary has a strong history of liberally taking up cases of rights breaches.

Why Strategic Litigation?

The bedrock of any thriving democracy is the doctrine of separation of powers between the three main organs of the state: the executive, the legislative, and the judiciary. As per the renowned French philosopher Montesquieu, the intermingling of the distinct roles of various state entities poses a risk of immense magnitude to the emancipation of the state as it could "expose the liberty of the citizens to arbitrary control" (Vile, 1998, p. 99). Therefore, to safeguard citizens from an unfettered exercise of power by one organ, it is imperative to set distinctive parameters for the authority exercised by all state organs. The revolutionary British Jurist, Lord Denning, eloquently encapsulated the role of the judiciary in the following terms,

“to interpret the law and mold it to meet the needs of changing time... (while remaining) outside the sphere of politics” (Lord Denning, 1963)⁶.

The executive in Pakistan is seen mainly as operating coercively and beyond its mandate regarding peculiar sensitivities attached to the state’s security policy. The parliament, which otherwise attempts to regulate the executive’s many functions, often concurs with or overlooks governments’ policies and actions potentially responsible for breaching citizen rights and curbing the space of civil society. In such a scenario, the judiciary’s role in protecting civil and human rights becomes more pronounced.

Stakeholders’ Analysis:

As noted above, Pakistan’s executive is accused of overstepping its authority under the influence of the establishment. Powerful political elites and businesses also enjoy significant influence over the executive. In the recent past, the executive has got several legislative and policy tools such as the NGO Policy 2013, National Action Plan 2014, Prevention of Electronic Crimes Act 2016, military courts, as well as international requirements of compliance with the Financial Action Task Force (FATF) recommendations, that in turn led the enactment of Charities Acts and stringent financial regulations on civil society, making it even more powerful. The unscrupulous use of the executive’s additional powers under these policy and legislative tools creates situations where political and civil society actors feel their space stifled and their rights and freedoms usurped.

The parliament has a central role in building robust national human rights protection systems by adopting human rights-sensitive laws, supporting the ratification of human rights treaties, holding governments to account, and approving national budgets promoting human rights. In recent years, the parliament has adopted many statutes to protect the rights of people, such as the establishment of independent commissions to protect women, child, and minority rights, Right To Information (RTI) law, anti-sexual harassment law, laws against trafficking and bonded labor, laws on the protection of transgender and children, Hindu Marriage Act, and laws on environmental protection.

The parliament has also updated many laws following the ratification of international treaties. The civil society and parliament have enjoyed a cordial relationship and collaborative arrangement in protecting rights.

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The parliament’s assertiveness in protecting rights and civic space remains questionable. As discussed earlier, civil society in Pakistan is gasping for its survival. Even the most structured form of civil society, i.e., labor unions, faces issues in getting their voices heard. The province of Sindh has recently introduced a unified labor code to replace the fragmented labor laws with the assistance of the International Labor Organization (ILO), leading to trade unions protesting against its ‘arbitrary’ nature. Journalists have taken to the streets against the

government's repeated efforts to introduce stringent regulations on their work over the past three years. The government is also contemplating a law to regulate social media content.

Although Pakistan's judiciary has many progressive landmark judgments to its credit, its diligence in protecting civil and human rights is erratic, primarily shaped by who is heading the judiciary. Since the judiciary movement of 2007, the judiciary has occasionally resorted to what critics call 'judicial activism,' seen as an attempt to claim more space than what is mandated under the scheme of the trichotomy of power. Some experts argue that the judiciary, in its exercise of original jurisdiction, has excessively entered the jurisdiction of parliamentary actions in deciding some cases. For instance, 'Judicial overbearing' was echoed in a letter by the Election Commission of Pakistan (ECP) to the parliament in December 2023.

However, judicial activism is shaped essentially by the liberal use of judicial powers to protect civil and human rights under the original jurisdiction granted by the Constitution. However, the excessive or careful use of original jurisdiction revolves around rights and civic space.

It is not as if the judiciary has always effectively safeguarded people's rights and freedoms. Erratic activism aside, the judiciary has primarily been in sync with the executive, particularly in military and security policy cases. The judiciary miserably failed to resist the 1953, 1958, and 1999 martial laws. In all these cases, the judiciary validated the forcible overturning of democratic governments. The judiciary invented the infamous doctrine of necessity in validating the 1953 martial law in parts of Punjab. In the 1999 case of General Musharraf, the court allowed the dictator to amend the constitution at his pleasure. Only the judiciary overturned the 1970 martial law of Yahya Khan and the 2007 emergency by General Musharraf.

In some recent cases, judicial activism did not attract the levels of compliance and cooperation by the executive. For instance, enforced disappearances did not stop despite repeated warnings by the judiciary.

However, the higher judiciary's powers and its record of invoking its original jurisdiction to protect human rights, as well as the availability of many other statutory windows such as right-to-information (RTI) laws and laws governing the establishment and functioning of autonomous rights-based commissions, make a strong case for using strategic litigation to regain and reclaim its space and relevance. Although it is a gigantic task for a weak civil society to take on the executive, strategic litigation still offers a window for collective efforts to push back against the shrinking space.

History of Strategic Litigation and its Usage by Civil Society and Political Parties:

Pakistan has an exciting history of strategic litigation and its use by civil and political society to provide and protect human rights. The most inspiring changes civil society duly seeks credit for have resulted from such litigations.

General Yahya's first-of-its-kind landmark invalidation of the 1970 martial law resulted from such litigation by the late Asma Jehangir, who was Asma Jilani then. Asma Jilani challenged her father's detention, Malik Ghulam Jilani, and Altaf Gohar under Martial Law Regulation No. 78 of 1971. The Supreme Court ruled that General Yahya Khan's imposition of martial law was illegal as Pakistan was not an occupied territory and had its own constitution⁷.

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As a result of another public interest litigation by Asma, the Supreme Court identified brick kiln workers as bonded labour on September 18, 1988. Thousands of bonded families left the kilns for areas they liked in search of better employment. The liberty afforded to brick-kiln workers by the decision of the Supreme Court provided a ray of hope to other bonded laborers working in the carpet, fisheries, stone crushing, shoe-making, power loom, paper picking, and agriculture industries, among others, who joined the Brick Kiln Laborers' Front in forming the "Bonded Labor Liberation Front of Pakistan" (BLLFP). The BLLFP established branches throughout the country and made sustained efforts to solve bonded labor problems and rehabilitate the workers. Three thousand agricultural laborers, 1,000 stone crushers, 500 from the carpet industry, 500 from power looms, fisheries, and the paper-picking industry were released⁸. A freed child, Iqbal Masih, advanced this activism with the help of civil society. He was killed at the age of 12 and is widely revered as a martyr. The efforts of civil society resulted in the enactment of the Bonded Labor System (Abolition) Act of 1992.

Another known activist, Shehla Zia, invoked the Supreme Court's original jurisdiction on the environmental hazards of constructing a power grid station in a populated area in 1992. The case⁹ was heard in 1994 and decided in favor of Shehla. The ensuing discourse on the issue shaped the draft and enactment of Pakistan's first-ever environmental protection law, the Pakistan Environmental Protection Act of 1997.

It was not only civil society activists who used the window of strategic litigation. Politicians also used this window abundantly. Petitions by the former Prime Minister, the late Benazir Bhutto (BB), led to many meaningful and long-lasting changes and reforms. She was an avid petitioner until her assassination in 2007. Benazir Bhutto's petition in the Supreme Court in 1988 annulled the changes made by the dictator Zia-ul-Haq in electoral laws, including non-party elections. As a result of her petition¹⁰, the 1988 general elections were held on a party basis.

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In 2007, BB also petitioned the Supreme Court against General Musharraf's imposition of the 2007 emergency.¹¹

Before the scheduled general elections in 2007, which were held in February 2008 due to the assassination of BB, she filed a petition in the Supreme Court on missing voters on the voters' lists. Preparing voter lists for the upcoming elections has raised many questions about how the exercise was undertaken. After the display of the draft Electoral Rolls in June 2007, it was

estimated that around 28 million, or around 33% of eligible voters, remained unregistered. The Supreme Court of Pakistan, deciding on a petition moved by BB regarding approximately 28 million missing voters in the new list, ordered the ECP to include in the latest list all those voters who were in the 2002 Voters List but had not been enrolled. Therefore, the Electoral Rolls used in the February 2008 General Elections contained approximately 81 million voters.¹²

Renowned lawyer and human rights activist Abid Hassan Manto of the then Workers Party (later merged into Awami Workers Party) filed a petition before the Supreme Court against the infringement of citizens' electoral rights by the practices of parties and candidates and the oversight of the ECP and the law. The case¹³ was decided in favor of the petitioner, and the Supreme Court laid the foundations for many meaningful long-term reforms in the electoral framework. Many reforms became part of the law when the parliament unified election laws under the Elections Act 2017.

Chief Justice Iftikhar Muhammad Chaudhry and his fellow judges (2008-2014) started liberally using their powers and accepting petitions and applications, converting them into *Suo moto* petitions on human rights issues. Although many experts are critical of this phase of judicial activism, the judiciary's proactiveness in entertaining human rights issues rendered the marginalized and weak some landmark and life-changing changes during these years.

In August 2005, the Supreme Court rejected the legislation by the then North Western Frontier Province (NWFP) Assembly (renamed the Khyber Pakhtunkhwa Assembly in 2010), calling it unconstitutional. The bill introduced by the government of a ruling coalition of religious parties in the province attempted to introduce a department for what critics called 'moral policing.' Similarly, Iftikhar Chaudhry started hearing the case of enforced disappearances, expressing intense disappointment over the government's failure to locate the whereabouts of the disappeared people. He and his successors continued to pursue such cases with little success.

CJ Iftikhar Chaudhry's other landmark judgment on transgender rights became the foundation of recognition of the transgender community and the rights of transgender individuals. In *Dr. Aslam Khaki vs. SSP Operations Rawalpindi and Others* case¹⁴, the CJ held that respective provincial governments must take adequate steps to protect the fundamental rights of the transgender. The judgment also led the NADRA to add the option of transgender to the sex category of its system, paving the way for the provision of national identity cards to transgender individuals, which in turn opened avenues for the community to venture into higher studies and jobs. The judgment directed the federal government to specific rights and protection for the trans community, leading to the passage of the Transgender Persons (Protection of Rights) Act, 2018.

Similarly, a highly significant judgment by Chief Justice Tasaddaq Jilani reshaped the discourse and approach around minority rights in Pakistan. The decision came on 19 June 2014 in a *Suo Moto* case.¹⁵ Following a petition filed by Justice Helpline regarding the Peshawar church attack in 2013, as well as other petitions filed by the Hindu community against the desecration of their places of worship and press reports citing threats to the Kalash tribe by the Pakistani Taliban. The decision's expansion of freedom of religious expression in Pakistan has been compared to *Brown v. Board of Education* outlawing segregation in the

United States.¹⁶ In a detailed 32-page decision, the court also ordered federal and provincial governments to ensure a quota of minorities in employment in all services, prohibiting them from transferring such quotas under the guise of non-availability of candidates.

Apart from higher courts, many civil society activists frequently use other statutory windows for strategic litigation. Civil society activists successfully advocated the introduction of RTI laws in the country. Several RTI activists also served as federal and provincial commissioners who set inspiring precedents for the strategic use of information requests for social change. According to an estimate by RTI activists, almost one-fifth of all petitioners reaching the appeal stages are civil society actors responsible for half of the total RTI caseload. It can be safely said that civil society actors are strategically using RTI laws to raise collective issues. An RTI activist Riaz Masih has been using RTI requests to collect information on the demographics and representation of the Christian community to make his community able to enjoy equal rights and entitlements.

Bar Councils and associations of lawyers and journalists have a long history of using strategic litigation for collective causes. Due to constitutional issues, Pakistan Bar Council and High Court Bar Associations have been challenging laws.

Interestingly, many NGOs that were denied permission to operate for ‘non-compliance’ with Economic Affairs Division’s policy resorted to the courts. The majority of them were provided relief. South Asia Partnership Pakistan (SAP-PK) and WISE were the first to go to the Lahore High Court in 2017 under their original jurisdiction to get injunctive orders against EAD harassment.¹⁷ Many NGOs followed suit with similar outcomes.

In such a case filed by the Marie Stopes Society, the Sindh High Court decreed in January 2022 that the EAD policy was of no legal effect as the federal government did not take any step to provide legislative cover to it.¹⁸ Civil society strongly opposed shrinking space. In November 2022, the government introduced a new EAD policy, the draft of which was circulated among civil society organizations. The Joint Action Committee (JAC), comprising 37 NGOs, provided feedback. Although the 2022 policy is not qualitatively different from the 2013 one, it gives some timelines and appellate forums. A law to back this policy has yet to be seen.

Another example of using strategic action is the efforts of the Sindh Commission on Status of Women (SCSW), which wrote to governments, NADRA, and other stakeholders that women not having NICs were not being covered under relief efforts. The government of Sindh had to adopt an ad-hoc mechanism to cover unregistered women through on-spot provisional registration¹⁹.

Available Statutes and Fora for Strategic Litigation:

Civil society may proactively and strategically use the several judicial and quasi-judicial forums created under various statutory and regulatory provisions across the federation and four provinces covering a wide range of governance aspects. Targeted strategic litigation before such forums may prove a powerful strategy for expanding civic space and advancing fundamental freedoms and rights. This redresses specific grievances and sets legal precedents that enhance the legal framework for civic engagement. Moreover, such litigation

cases' visibility and public discourse can galvanize broader social movements. Below discussed are a variety of forums that may be petitioned for public interest:

A. Proactive use of Right to Information:

The statutory provisions enabling citizen's right to information have evolved over the years. More than two decades lay between the first parliamentary attempt to legislate on freedom of information in 1990 and the existing constitutional and statutory framework. The Constitution (Eighteenth Amendment) Act, 2010 pronounced the right to information as a Fundamental Right that led to enactments by the Parliament and Provincial Assemblies on the exercise of this right. Khyber Pakhtunkhwa took the lead in 2013 to legislate on the subject, followed by Punjab in the same year, the federation in 2016, Sindh in 2017, and Balochistan in 2021.

All of these statutes provide a mechanism for citizens to access information held by public authorities and recourse to contest the failure of the authorities to provide the information, i.e., the federal and provincial information commissions. Civil society and journalists have increasingly and strategically used the RTIs and pushed the authorities to bring public interest information to light over the last decade. This has become a meaningful way to expose corruption, hold public officials accountable, and advocate for policy changes.

B. Right to Public Services:

The Khyber Pakhtunkhwa Right to Public Services Act 2014 was enacted to ensure the timely delivery of essential public services to citizens. The law mandates that specified public services be delivered within a set timeframe. Failure to comply can lead to penalties for public officials. The law also encourages implementing e-governance solutions to enhance citizens' access to public service providers. The statute also provides a two-tiered complaint mechanism, including a departmental appellate authority and the Khyber Pakhtunkhwa Right to Public Services Commission, enabling citizens to complain against service providers who do not adhere to the stipulated timelines.

Individual activists and civil society groups operating across Khyber Pakhtunkhwa may strategically employ the appellate authorities and Khyber Pakhtunkhwa Right to Public Services Commissions to address systemic failures in service delivery or to compel the government to enforce service delivery standards more effectively. Such use would not only improve the local governance but also help the civil society groups.

C. Statutory Commissions Established Under Paris Principles:

The Paris Principles are international standards for Human Rights Institutions (HRIs), ensuring their independence and effectiveness in protecting human rights. Pakistan has set up the following HRIs over the last decade:

National Commission for Human Rights	National Commission on the Status of Women
National Commission on Child Rights	Punjab Commission, the Status of Women
Sindh Human Rights Commission	Sindh Commission on the Status of Women

Khyber Pakhtunkhwa Commission, the Status of Women	Balochistan Commission on the Status of Women
Gilgit Baltistan Commission on the Status of Women	

These institutions are empowered to investigate complaints, recommend actions, and raise awareness of human rights violations within their jurisdictions. Yet, their performance is affected by a lack of financial autonomy, political interference, particularly in delays in the appointment of Chairpersons or members of the commissions, and challenges to their outreach among the marginalized communities that are expected to benefit from their work. Despite these challenges, these commissions remain a critical ally of the civil society in bolstering their actions to promote and protect human rights. Proactively engaging with these commissions can yield sustainable dividends for expanding the civic space.

D. Original Jurisdiction Article 184 and Article 199 of the Constitution:

The Supreme Court and provincial high courts possess original jurisdiction under Articles 184(3) and 199 of the Constitution to address matters concerning fundamental rights violations and protection of civil liberties, offering a platform for judicial intervention to protect and restore civic space. As discussed above, political actors and civil society have been invoking these jurisdictions in the past. Several landmark judgments addressing critical civic space issues, including but not limited to the protection of fundamental rights, minority rights, voter enfranchisement, and environmental issues, have resulted from public interest litigations. By leveraging this jurisdiction, contemporary civil society actors can seek judicial relief and set legal precedents that reinforce the protection of civic freedoms. This approach addresses immediate grievances and fosters a more robust legal framework for defending and expanding civic space over the long term.

E. Other Judicial and Quasi-Judicial Forums:

District judiciary, thematic courts, and quasi-judicial forums, established under various laws, remain another route to put in motion public interest litigations and expand civic space by providing specialized mechanisms for addressing specific issues. **Under the Bonded Labor System (Abolition) Act of 1992, Vigilance Committees** are instrumental in identifying, releasing, and rehabilitating bonded laborers. These committees, composed of local representatives, district administration officials, and NGOs, advise on the law's implementation and ensure that freed labourers receive necessary support and rehabilitation services. The committees' proactive involvement can lead to successful Public Interest Litigations (PILs) to abolish bonded labour practices. **Environment Tribunals and Magistrates**, established under the Environment Protection Act of 1997, provide a platform for addressing environmental grievances and enforcement of environmental laws. These bodies can hear complaints, enforce penalties, and mandate corrective actions, making them practical for PILs focused on environmental protection and sustainable development. **Consumer Courts**, created under the Consumer Protection Acts, offer a forum for consumers to file complaints against unfair trade practices, defective goods, and deficient services. By addressing grievances and ensuring compliance with consumer rights, these courts support PILs that advocate for consumer protection and corporate accountability. **Labour Courts** may be

invoked to enforce minimum labour standards, including but not limited to paying minimum wages, ensuring occupational and health safety, and providing separate washrooms for female workers, etc.

Way Forward for Collective Resistance to Shrinking Civic Space

Civil society organizations (CSOs) should pool their efforts to collectively resist the challenges facing them and effectively counter the shrinking space for civil society in Pakistan. Here is a futuristic set of recommendations to be considered by CSOs to equip themselves for handling these issues:

1. **Foster Synergies through Regular Meetings:** Civil society groups should convene periodic online and physical meetings to strategize and coordinate their actions. These meetings will be platforms for sharing insights, aligning objectives, and developing joint strategies. This way, CSOs can create a cohesive response to regulatory and operational challenges. A collective approach will enhance the ability of individual CSOs to advocate for reforms, share resources, and amplify their voices in the face of restrictive policies.
2. **Resource Allocation for Regulatory Compliance and Operational Risks Mitigation:** The arbitrary introduction of regulations and compliance requirements for CSOs almost a decade ago caught these organizations unprepared. The scale of operations for local and regional CSOs using funds from international donors and charities was limited compared to the global and national-level organizations. Their operational and financial planning did not account for the costs associated with additional requirements and checks. A safeguard against any future shock would require the CSOs to allocate specific funds for organizational management tasks, including acquiring necessary permissions and compliance with regulatory requirements. This financial planning will enable organizations to absorb sudden shocks and get bogged down by compliance issues. CSOs should also develop and implement risk management plans to address potential threats to their operations. These plans should include strategies for dealing with legal challenges, funding shortages, and other operational risks. By proactively managing these risks, organizations can enhance their resilience and ensure continuity in research, advocacy, and service delivery spaces.
3. **Enhance Awareness and Information Sharing:** Civil society networks, collaborations, and camaraderie are becoming increasingly transactional. The knowledge exchanges within so-called civil society consortia have become limited to sharing grant agreements, scopes of works, monitoring reports at the upstream partners' end, and implementation reports at the downstream partners' end. This requires change, as it is crucial for civil society to stay organized and unified to respond to the evolving operating environment—the more informed need to share their insights with the less informed. There needs to be a mechanism to assess the knowledge gaps regularly. This includes conducting analyses and briefings on new policies, such as the NGO Policy by the Economic Affairs Division (EAD). The partners operating at a broader scale and privy to the information can take the lead in disseminating this

information to other organizations. By sharing insights and interpretations of regulatory changes, CSOs can better navigate the complex landscape and respond proactively to new challenges.

4. **Training EAD Officials and Other Stakeholders:** The arbitrary restrictions and requirements are gradually formalizing in the shape of legislation and regulatory provisions, indicating the enhanced realization amongst the government regarding the role of civil society. This should be complemented with the training programs focused on the regulators, such as EAD officials and other relevant stakeholders, to create a more informed understanding of civil society operations and the impact of regulations. These programs can help bridge the gap between regulatory authorities and civil society and thus promote more transparent and supportive interactions. Training will also enhance the capacity of officials to implement policies in a fair and informed manner, thereby reducing the adversarial nature of regulatory practices.
5. **Coordinate to Identify Friendly Financial Institutions:** Coordinated efforts among civil society partners can help identify and build relationships with banks and financial institutions that are more accommodating to CSOs. By working together to find and support these relatively friendly institutions, organizations can mitigate the impact of stringent financial regulations and ensure smoother operations. This coordination can also help negotiate better terms and conditions for financial transactions.
6. **Strengthen Advocacy and Lobbying Efforts:** Civil society organizations should engage in coordinated advocacy and lobbying efforts to influence policy changes and protect their operational space. By presenting a unified front, CSOs can more effectively challenge restrictive regulations and push for legislative reforms. Building coalitions with like-minded organizations, legal experts, and human rights advocates will strengthen their advocacy campaigns and increase their chances of success.

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