

PAKISTAN LEGAL SYSTEM, WHETHER JUDICIAL SYSTEM IS CHALLENGING FOR FOREIGN INVESTOR IN THE CONTEXT OF CHINA AND PAKISTAN ECONOMIC CORRIDOR

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ABSTRACT: *The legal system of any state is of fundamental importance. Legal system not only provides justice, but also enhance the opportunities of FDI in its state. In Pakistan's legal system the parliament has a prominent role. The law making institutions of parliaments are the senate and national assembly. The parliament is responsible to make laws for foreign investment and foreign investors' protection. The Judiciary and courts are other prominent elements of legal system. The parliament has a supportive role for foreign investors to provide appropriate law regarding their protection, whereas judiciary has an opposite role in providing benefits to foreign investors. In the past foreign investors have to face challenges by the judicial system. The intervention by the courts of Pakistan in Steel Mill's privatization case as well as the intervention by the Supreme Court in various other foreign investment projects have been observed. The rental power case in which the Supreme Court terminated the agreement between Pakistan government and a foreign company is a renowned case in the past. To pursue a Foreign direct investment in Pakistan it is crucial to revise state's judicial laws regarding FDI. This would be beneficial for both the foreign investor and the host state(Pakistan) to get the mutual benefit in the form of a stable investment project. China is investing a number of projects in Pakistan under CPEC, the stable and fair laws for FDI would be a favorable step to establish successful investment projects.*

KEYWORDS: legal system, parliament, senate, judicial system

INTRODUCTION

The existing norms of the international law are followed properly by the different states that are seen to be constituting the different principles and when the different third world countries are considered then it is seen that such laws are not properly followed. The proper sense of the justice is properly provided through the different international norms. The equality of citizen and the end of the domination of citizen is considered to be the main principle related to the self-determination. It is needed that people should be provided with the proper rights so that they will be able to enjoy different rights. Different norms of international laws are needed to be used by the different underdeveloped countries and are needed to be implemented on the basis of proper justice. To

eradicate the poverty and increase the economic development in the different underdeveloped countries the grants related to the different poor communities create the different problems. The purpose of this particular chapter is to provide the detail discussion related to the legal system of Pakistan¹. The legal system of a country is considered to be the backbone of a country. For the different matters of the state, the legal system plays an important role. CPEC is considered to be the game changer for the whole region and by considering the legal system of Pakistan in detail it could be considered that how the courts of Pakistan are going to be affecting the whole project. It is important to get the overview of the legal system of Pakistan to know how it could affect the different projects that are the part of CPEC. The civilized societies are those in which democracy and the judiciary are given with the importance. In the journey towards the independence of the judiciary, it is seen that bringing the change and implementing it needs the efforts. This needs to secure the independence of the judiciary and the protection and the preservation of all the things that are important. It is seen that in Pakistan still there is the need to provide the strength to the judiciary and keeping the supremacy of the laws to be the priority. The rule of law is considered to be very important and when it is about the national interest then it becomes more important². Considering the importance of the judiciary the different issues that are relate to the national interests like the CPEC. This paper describes the legal systems of Pakistan and how the different decisions made by the judiciary could affect the different projects of CPEC.

Constitution of Pakistan and law granted to protect foreign investors

The Constitution of Pakistan deals with the superiority of the judiciary in a fair manner and it is needed to provide the elaboration related to the provision of the different jurisdiction, functions, and powers of the different courts. The Constitution is seen to be providing the separation to the judiciary from the executive and the independence of the judiciary is provided by the Constitution. It provides the supremacy to the law and the law also provides the protection to the Constitution. The qualification of the judges and the process of appointment, salary, conditions for the services and the pensions, all these things are mentioned in the constitution. The Constitution also provides the grounds for the proper protection and also for the removal of the judges. The Supreme Judicial Council consists of the senior judges belonging to Supreme Court responsible to consider any kind of the issue related to the removal of the different judges. The Constitution is seen to be ensuring that the independence and the freedom of the judiciary. The Constitution of Pakistan is parliamentary in nature. The parliamentary system is seen to be revolving around the different principles of sovereignty but the constitution provides the system of the restricted sovereignty. The parliament cannot form any law that is contradictory to the Principles of Islam and the Objective Resolution serving to be the basis for the endorsement of the sovereignty that is maintained across all the constitutions of Pakistan.

¹Khan, Abdul Zahoor, Muhammad Altaf, and Muhammad Idree. "The Dynamic Role of "Mawlana Shah Ahmad Noorani" in the Constitution-Making of Pakistan (1972-1975)." *Global Journal of Human-Social Science Research* 15, no. 4 (2015).

²Hina, Khushbakht, SaimaBatoool, Muhammad Khalique, and ZafarIqbal. "Intellectual Property Rights in Education of Pakistan: Review of Constitution, Current Status and Expectations." *Dialogue (Pakistan)* 12, no. 2 (2017).

The 1973 Constitution provides an unrestricted and sovereign Judiciary settlement. The following Constitution has provided an assurance for the rights of citizens to be wholly safeguarded by the county legislation and regulation, further emphasizing on implementing an obligation for the two duties on the Parliament authorities constitutes of faithfulness to the Republic and conformity to the regulation. Any of the person, either belonging from the Parliament division, if found guilty under the exploitation of any law, further initiate to repeal or endeavor or collude to abolish or destabilize the Constitution has been liable to behave as guilty of great sedition. The Constitution deliberated numerous types of essential privileges to the individuals consisting of the public and other people such as the right to living, authorization, equivalence, and liberty of speech, trade and connotation. The Constitution also professed differential legislation as the unpredictable or pejorative to essential privileges as worthless (null) and invalid (void).

National Assembly Role in making law for investment

The Members of National Assembly are elected by the different adults who are of 18 years of age through the elections. The National Assembly of Pakistan is seen to be having 342 seats out of which 272 are elected on the basis of First-past-the-post. The Candidate gaining the maximum number of votes is seen to be nominated as the member of the Provincial or the National Assembly³. The 70 remaining seats include the seats of women and the seats of minority and these seats are allocated in the provinces, FATA and the Capital city. The members of the National Assembly serve for the Parliamentary term which is of five years with the exceptions such as the resignation, the death of any member, disqualification of the member or in the case if the assembly is dissolved⁴.

The National Assembly is represented by the group of the Senates, an undying legislative entity demonstrating the equal number of representatives from the four provinces of Pakistan. The Senate is elected by the members presented in the provincial assemblies⁵. In the case of presidential absence, the chairman of the Senate is considered to be eligible for the position until the new appointment of the Presidential position has been formally conducted. In the Senate election, out of 100 member's seat, the 14 Senate individual has been elected by the individual Provincial Assembly. The Federally Administered Tribal Areas (FATA) and Islamabad Capital Territory is also provided an opportunity to elect a representative of their area as Senate for their respective area. 14 member elected by the Provincial Assembly has divided into the different into four region in such a way that 8 Senate has been chosen by the people working in National Assembly from the Federally Administered Tribal Areas (FATA), while Federal Capital member comprising of 2 members such as 1 woman and 1 Technocrat has been selected by the National Assembly. Similarly, each of the provinces has been provided with an opportunity to select two members,

³Krook, Mona Lena. "Violence against women in politics." *Journal of Democracy* 28, no. 1 (2017): 74-88.

⁴Hassan, Rukhsana., and Keyani, Saima. (2015, June). Gender and Political Participation in Pakistan: Issues and Constraints. In *Paper Proceedings of Second International Conference on Advances in Women's Studies 2015* (Vol. 54, p. 225). (2015).

⁵Ahmed, Syed Jaffar. "On Constitutions and Constitutionalism in Pakistan." *Pakistan Perspectives* 22, no. 1 (2017): 9-25.

thus accumulating a cluster of 4 women and 4 Technocrat selected through the mean of the Provincial Assembly⁶.

Senate role for making investment law

The total contractual tenure of the Senate member is compromising of the time period of 6 years. However, the initial formation of the team in the National Assembly recognized as Senators has contact of retiring after the 3 years has been resolute by the presence of the Chief Election Commissioner. Except for the money bills, Senate has the right to pass any sort of bills through the National Assembly. However, National Assembly has an exclusive advantage over the Senate to pass the money bill. National Assembly has the sole right to accept the federal budget presented in the Assembly and other crucial bills regarding the country's monetary interest⁷. Excluding the essential legislation of the money bills, both of the house, Senate, and National Assembly work on a pact to issue the legislation regarding the law and order situation of the country. The Federal Legislative bills categorization has been exclusively perform within the house boundaries. If one house has pass a bill with the majority of the votes, the law is automatically transmitted to the other corner of the House. Moreover, the bill is said to be presented to the President for acquiescence if the amendments has not been recorded on the bill⁸.

If the Bill, conveyed to the former House, is not approved within the time limit of ninety days or is vetoed, it is deliberated in a joint meeting of parliament, to be beckoned by the President on the appeal of the House in which the Bill invented. If the Bill is permitted in the joint hearing, with or without modifications, by the polls of majority votes by the associates of both of the Houses, it is offered to the President for approbation. The President is obligatory to acquiescence to bills approved by both houses within the time frame of ten days⁹. However, in all genre of the bills excluding the Finance Bill, the President has the right to return the Bill to the parliament with a memo demanding that the Bill should be reassessed and that an adjustment stated in the memorandum must be undertaken. The parliament is invented to reassess the Bill in a joint session. If the Bill is approved once more, with or without modification, having the bulk votes from the existing members through apoll, it is obtainable to the President and the President is essential to offer his concurrence within ten days; deteriorating which such approbation is considered to have been approved¹⁰.

⁶Jabeen, Nasira. "Gender and local governance in Pakistan." In *Women in Governing Institutions in South Asia*, pp. 285-304. Palgrave Macmillan, Cham, 2018.

⁷Kismödi, Eszter, Jane Cottingham, Sofia Gruskin, and Alice M. Miller. "Advancing sexual health through human rights: The role of the law." *Global public health* 10, no. 2 (2015): 252-267

⁸Bhattacharya, Sanchita. "Status of women in Pakistan." *Journal of the Research Society of Pakistan* 51, no. 1 (2014).

⁹Ahmed, Saifuddin, and Marko M. Skoric. "My name is Khan: the use of Twitter in the campaign for 2013 Pakistan General Election." In *System Sciences (HICSS), 2014 47th Hawaii International Conference on*, pp. 2242-2251. IEEE, (2014).

¹⁰Myerson, Roger. "Constitutional structures for a strong democracy: considerations on the government of Pakistan." *World Development* 53 (2014): 46-54.

Government of Pakistan and legislation power

Under the Constitution, the Parliament might likewise constitute with the presence of the more than two provinces, by agreement if an appeal is prepared by the particular provinces. If the Federal Government announces a State of Emergency in part of the province, the control to constitute in the specific province is conferred in the Parliament. However, the bills approved by the Parliament through the State of Emergency, terminate to be in power afterward the cessation of six months since the date of the emergency has been taken back. Nonetheless, the stages previously performed and pass underneath the following Acts endure to be lawful¹¹. In movements of its legitimate role, the Assembly also has additional significant responsibilities to achieve. The President, who is considered to be the Head of State, is chosen by associates of both Houses of the Parliament and by the Provincial Assemblies. The Prime Minister, who led the Cabinet and is supposed to provide the assistance and set of recommendation to the President during his tenure, has its place in the National Assembly. The President of the State is considerably relished the majority of Senate providing the votes gathered through the polls conducted in the arena of the National Assembly¹². To consolidate the current governmental affairs in the Democratic legislation and authorities, the Assembly has been provided with a legislation to remove the Prime President of the Pakistan from snatching the legislation power form him, if the Parliament member has lost its faith in the operational of the current President. In such a situational settings, a willpower for a voting out the Presidential position by introducing a no-confidence bill by the at least 20% of the Parliament member out of the entire population present in the National Assembly¹³. If the resolution initiated by the members of the Parliament has been signed by the majority of the associates presented in the National Assembly, the Prime Minister instantaneously abandons all of his powers. Consequently, for the elimination or summons of the President, it is essential to accumulate the at least one-half of the total Parliament members of any of the both House providing the intention or bill in the written format presented to the Speaker of the National Assembly. In severe scenarios, the summons or elimination pledge has been presented in front of the Chairman Senate, for further fastening the application of the resolution movement for the determination. If, in a situation of a joint meeting conducted by the total Parliament members in the two Houses, summoned for the resolution, the resolution is approved is considered to be succeeded by the accumulation of the total votes by at least two third of the both of the houses member in the Parliament¹⁴. In such scenarios, the hold of the presidential legislation and rights have been immediate. Whereas, when an emergency situation is a strike upon the country legislation scenario, the Parliament instantaneously provide the hold as the superior authority to prolonged its operation for expanding its limits in regard to the operational of the National Assembly. Under the legislation of the Constitution, the Parliament might also demonstrate or provide a reaction on the basis on the

¹¹Ahmed, D. M., Gule Zahra, and Sidra Akram. "Military intervention in Pakistan and Turkish politics: A comparative study." (2014): 1-12.

¹²Gledhill, A. Fundamental Rights in Pakistan. (2006)

¹³Ali, MrSadaqut. "A Brief Assessment of Rule of Law and Human Rights under the Constitution of Pakistan." International Digital Library 1, no. 2 (2017): 30-43.

¹⁴Sornarajah, Muthucumaraswamy. "Power and Justice: Third World resistance in international law." SYBIL 10 (2006): 19.

pledge generated by the Federal Government, deliberating the purposes upon colonels or establishments subservient to the Federal Government.

In the past times, there was no standardized combined local government in the region. In rural districts, union councils were established along with the Markaz councils and district assemblies. In urban regions of the district, metropolitan/municipal establishments have been existed along with the municipal commissions and town groups. The union and Markaz councils have been underneath the governing of Assistant Commissioner, municipal and town commissions under Deputy Commissioner and District Council and metropolitan/municipal corporations under the guidance of the Commissioner of the division. The local party-political figures, therefore, alienated on rural-urban foundation and under the controller of the administrative colonels. However, it has been seen that the real power and supremacy continued unswervingly in the indicators of the government representatives in the district. A very limited role has been provided to the ordinary citizens in decision-making and expansion was determined from top to bottom depriving the participation of the villages and community. The provincial presidencies broadcasted the Local Government Ordinance, 2001 in the tenure of their particular provinces to set up a unified three-tier local government structure at three specific level classified as the union, tehsil and district levels with an outcome from 14th August 2001 to utility inside the provincial context and observe to the Federal and Provincial commandments¹⁵.

The recently developed Local Government System provide assistance to an enabling surroundings for important citizen authorization, participation, and demonstration, construction government progressively receptive. In the newly established System, progress arrangements will be introduced by the communal itself and will transportable up after amalgamations to districts. For evenhanded resource dissemination, reserves will stream from districts to tehsils (towns) and down to unions. The scheme of transparency will offer an informal admittance to material apprehended in public offices. The new System permits practical residents to contribute to communal progress/service through generating voluntary governments called Citizen Community Boards (CCBs). Formation of Village and Neighborhood Councils will deliver undeviating edge among the people at the beginning level and the local administrations for altering approaches and indorsing civic determinations. District, Tehsil/Town and Union Councils have commissions to screen the enactment of local governments at particular levels. The multi-layered and non-interfering observing of the local governments, accomplished by the designated legislatures, is predictable to activate better-quality supremacy and distribution of facilities through the district. At each tier of the new local government system, women have considerable depiction of minimum 33 percent, which has never recorded in the past times. Passable demonstration has also been specified to the labors, farmers and minorities. The system consequently offers an empowering environment for the authorization of conventionally relegated sections of the civilization. The

¹⁵Ali, MrSadaqut. "A Brief Assessment of Rule of Law and Human Rights under the Constitution of Pakistan." International Digital Library 1, no. 2 (2017): 30-43.

system inspires friendly defrayal of arguments through intercession, reconciliation and negotiation¹⁶.

The Judiciary's role in foreign investment

Throughout the literature, under the light of the current judicial system of Pakistan, it has been evident that the judiciary comprises of the Supreme Court, provincial high courts, and other smaller courts exercising civil and criminal authoritative decision-making practices. The Supreme Court is considered to be the summit court in Pakistan's judicial pyramid, the ultimate mediator of legal and constitutional disagreements¹⁷. The Supreme Court of Pakistan entails of a Chief Justice, further limiting its extent to hire at most 16 other Judges under the direction of the President. An individual having a 5 years' experience as a Judge of a High Court or 15 years' experience in hand as a supporter (advocate) of a High Court is qualified to be selected as a Judge of the Supreme Court. The chief justice of the Supreme Court is selected under the guidance of the President; the additional Supreme Court judges are employed by the President afterward having discussion sessions with the chief justice. The chief justice and judges of the Supreme Court might endure in office pending till the age limit of sixty-five. The Supreme Court has innovative, appellate, and suggested authority. Judges appointed in the provincial high courts are employed by the President subsequently discussion with the chief justice of the Supreme Court, along with the governor of the province and the chief justice of the high court who has been hired under the guidance of the President and Chief Justice of Pakistan¹⁸. High courts have the inventive and appellate judicial legislation. Through reviewing the history of Pakistan, the very first jurisdiction has been placed in 2007, the sedentary Chief Justice was deferred by the government on controls of exploitation of power. The Chief Justice was provided with an option to submit the resignation, however, on the refusal of the opportunity with respect to the judicial, the chief of justice was forcefully removed from the position under the series of the allegation filled against him. The allegation included the violation of the laws including the judicial decorum, bribery, looking for favors from the foreign executives and disobedient with senior attorneys. In retort, the Chief Justice, Iftikhar Muhammad Chaudhry, certain to encounter his postponement in the Supreme Court of Pakistan. The Chief Justice's deferment was trailed by extensive complaints on the share of the legal communal, civil civilization, and nearly every political parties in the country. The complaints positioned around not only on the absence of rationality of the claims in contradiction of the Chief Justice but similarly on the inquiry of whether the President possesses the significant influence to dismiss the Chief Justice under any settings¹⁹.

Pakistan is seen to be facing the issues related to the judiciary especially from after the privatization issue of Pakistan Steel in 2006. The Expansion related to the fundamental rights and the public

¹⁶Mehdi, Rubya. "The Islamic state in the PostModern World, the Political Experience of Pakistan by Louis D. Hayes. Publisher Ashgate, England.2014, ISBN 978-1-4724-1262-1." *Tidsskrift for Islamforskning* 9, no. 2 (2017): 149-151

¹⁷Hussain, Faqir. *The judicial system of Pakistan*. Supreme Court of Pakistan, 2011.

¹⁸Cheema, Moeen. "The 'Chaudhry court': deconstructing the 'judicialization of politics' in Pakistan." (2016).

¹⁹Awan, Mohammad Raheem. *Judicial activism in Pakistan in commercial and constitutional matters: Let justice be done though the heavens fall*. Journal of International Criminal Justice Research Volume 1 (2014).

interest litigation provided a broad scope for the judicial interventions in the different matters. The use of the different judicial powers particularly the 'suo moto' action is considered to be very important in the different matters including the social, economic or the political affairs that are related to the FDI. Using this authority for the different routine activities has raised a number of different issues related to the effectiveness and the desirability of the different agreements is executed by the different governments²⁰. The practice of 'Suo Moto' as a routine practice has created the serious issues regarding the governance matters indicating that the different matters that are being run by the government are not effective. To address the different issues related to 'the Suo Moto', it is needed that the different treaties and the agreements must be signed by the government. The judiciary in Pakistan has been affected by the different governments of the dictatorship and it is seen that several time the military governments have asked the judges to take the oaths again under PCO. They were not allowed to act collectively or to resist to any institution, taking the different measures that might provide the independence to the judiciary²¹.

The act of the Judicial, in where the judges declare themselves to distribute justice among the society has been highly effected by the regimes of the political changing situation and considered to be a significant discouraging influence in Pakistan. It is an exclusive and idiosyncratic component of Pakistan's existing judicial past which treasures its origins in accusations of exploitation, enticement, and inducements (bribe) at the same time as implementing venture agreements and bestowing multibillions developments projects to the off-shores companies. The assertion of unethical performs on politicians, senior officeholders, and stockholders have delivered a chance to the Supreme Court of Pakistan (SCP) to increase the possibility of Public Interest Litigation (PIL) and yield particular issues unswervingly in the SCP in its innovative or suo moto authority²². The judges provided a position in the SCP has right to take notification of sort of incidence happens in the certain circumstances by their own will, without providing any kind of formal pledge to highpoint the disagreement or declare defilement of legal rights. The exclusive authority permitted the 'suo moto' (action on court's own motion) dominion. In the last ten year of the Pakistan Supreme Court history, the enforcement of constitutional fundamental rights ("CFR") and PIL have prolonged the range of suo moto authority to overseas venture (foreign direct investment) and contractual problems. The SCP has been contradicting various commercial agreements implemented by the GOP and further Governmental individuals²³. Accusations produced by the people for non-transparency of the constitutional regime, corruption and bribes from overseas stockholders to amend privileged investment agreements and grant high investment developments projects in the indulgence of the governmental officials have unbolted the entrance of judicial involvement. The termination of denationalization of steel mills, speculation contracts for power generation fall under the category of the 'Rental Power' and

²⁰Gazdar, Haris. "Judicial activism vs democratic consolidation in Pakistan." *Economic and Political Weekly* 44, no. 32 (2009): 8-14..

²¹Sial, Abdul Quddoos. "Implications of Assorted Constitutional Principles on Administration of Justice in Pakistan." *Pakistan Journal of Social Sciences (PJSS)* 31, no. 2 (2011): 227-239.

²²Hussain, Faqir. *The judicial system of Pakistan*. Supreme Court of Pakistan, 2011.

²³Tarar, Maliha Gull, and Venkat Pulla. "Patriarchy, gender violence and poverty amongst Pakistani women: A social work inquiry." *International Journal of Social Work and Human Services Practice* 2, no. 2 (2014): 56-63.

investigation of gold and copper discoveries in Reko Diq entitled as the 'Reko Diq mines' are archetypal instances of judicial involvement in Pakistan in marketable and settlement problems²⁴. The extent of the involvement by the judicial officials in Pakistan can be determined from the influences of the various determinants on the crucial substances, wherein the SCP dismissed the former prime minister holding the position of the country by condemning him for disrespect of court. The SCP correspondingly distributed additional disapproval of court announcement to the subsequent prime minister persuasive him to transcribe a memo to Swiss establishments for resurrecting exploitation and dishonesty cases in contradiction of former president of Pakistan²⁵. To evade ineligibility of additional Prime Minister Government accomplished to become approved Contempt of Court Act 2012 after Congress. However, the following act as an attempt to restrain controls of SCP over legislature likewise continued as an unsuccessful attempt after SCP collides down with whispered doubtful legislation by announcing it unauthorized and illegitimate law. The particular risky implementation of judicial supremacy under legitimate power 'suo moto' validates the ability of the superior judiciary to reconsider to some extent any sort of the contract, settlement, and portion of legislation to regulate its legitimacy, constitutionality, and rationality. One of the other essential dimension of judicial involvement in Pakistan is the application of 'suo moto' through the High Courts, notwithstanding with the enormous characterization of suo moto or alike power status as the non-availability of the regimes for the High Courts. Over the course of the history, it has been contended that the following developing inclination of judicial engagement is improbable to provide any ease to foreign investors and advances queries as to the sacredness of contracts and agreements employed by the GOP²⁶.

The impacts of the different powers matters that are related to the FDI and the sanctity of the different investments agreements and the treaties by the Government of Pakistan, the different issues related to it are often considered by the judiciary. By considering the philosophy related to the judicial activism for the different countries are seen to be administered by the constitution. By considering the history of Pakistan one might provide the facts that different judges might not provide the development of the judicial institutions. They have not responded as a whole institution as it could be a threat to the integrity of the judiciary²⁷. During 2007 it was seen that for the first time in the history of Pakistan the Chief Justice was suspended by the government due to abusing the powers. Chief Justice was provided with the option to resign but he refused and was removed forcefully by the imposing different charges on him such as the charges of corruption, violating the different rules and taking the favors. He challenged his suspension and it took the form of a huge campaign for his restoration that was supported by the large number of lawyers, civil society, and the different political parties. Different protests were seen to be centered on the thing

²⁴Khan, Ahmad, Tanveer. Judicial System of Pakistan. Available at:
http://www.pja.gov.pk/system/files/Judicial_System_of_Pakistan.pdf

²⁵Sornarajah, Muthucumaraswamy. "Power and Justice: Third World resistance in international law." SYBIL 10 (2006): 19.

²⁶Gazdar, Haris. "Judicial activism vs democratic consolidation in Pakistan." Economic and Political Weekly 44, no. 32 (2009): 8-14.

²⁷Tarar, Maliha Gull, and Venkat Pulla. "Patriarchy, gender violence and poverty amongst Pakistani women: A social work inquiry." International Journal of Social Work and Human Services Practice 2, no. 2 (2014): 56-63.

that the allegations against Chief Justice were not valid and also whether the President had the authority to take the decision alone for the suspension of Chief Justice²⁸.

Until the year 2012, the different relations between the judiciary and the different institutions were seen to be reaching stable conditions. The sitting Parliament completed the tenure and the NRO story took the turn. The Supreme Court ordered to remove the Chairman NAB due to the failure for the assistance of the NRO case in the court and also the inappropriate appointment of the Prosecutor General providing the appointment of the neutral person as the Chairman NAB, the person who would be responsible for carrying out the different responsibilities in a sensible way, who will be able to provide the cases in front of the government for making the political survival²⁹. On the other hand, the frustration with the incapability to make the government understand the different things related to the corruption cases is important. The Supreme Court has made some important decisions in the history such as the disqualification of the Prime Minister for the contempt of court. The decisions made by the court are however respected by the different political parties despite the fact that the decision was not in their favor³⁰.

CONCLUSION

Legal system of any country is like a back bone to support its country. The legal system plays important role in providing proper guideline and order to maintain justice and equality in a state. The society will be prosperous if it provides justice to its citizens without creating conflicts and chaos in the society. The expansion of foreign investment is dependent on a country's legal system which has a pivotal role in providing protection to the investors. CPEC (China Pakistan Economic Corridor) is an example of a massive bilateral investment project. Under this projects there are different agreement between the two nations among which Gawadar Port development and investment in the Energy sector are prominently important .At this point there is a question mark about the judiciary of the legal system if it is capable of providing justice and protection to the foreign investors, yet the answer to this query is quite ambiguous due to the judicial activism. Since 2005 during the period of CJ Iftakhar Chaudary Judicial activism is in its new form. The huge project of Pakistan Steel Mill's privatization had been ceased by the suo moto taken by the then Chief Justice which led to create curiosity not only among the local investors but also the in the foreign investor.

²⁸Abbasi, Imran Naeem. "Protest of doctors: a basic human right or an ethical dilemma." BMC medical ethics 15, no. 1 (2014): 24

²⁹Newberg, Paula R. "Governing Pakistan." Asian Affairs: An American Review 41, no. 4 (2014): 159-171.

³⁰Abbasi, Imran Naeem. "Protest of doctors: a basic human right or an ethical dilemma." BMC medical ethics 15, no. 1 (2014): 24