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Contempt of Court and Judicial Censorship in Pakistan

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Abstract

The contempt of court and judicial censorship issue within the context of Pakistan presents a challenging problem to judicial autonomy and freedom of the press. This paper brings out the issues of balancing between the court's sanctity and the freedom of the media in the Pakistani legal system. The key ones are liberal interpretation of contempt laws, impact on media coverage of court proceedings, and adverse influence on popular discourse regarding the judiciary. The study reveals that the disdain for court regulations in Pakistan that define the colonial-era laws tends to conflict with the constitutional rights of free speech and press liberty. Although the judiciary requires new and contemporary laws of contempt to keep the judiciary independent and ensure the trial, the critics insist that these regulations are merely applied to prevent the lawful criticism of judicial actions. The analysis reveals that it is necessary to have a clear set of guidelines that will differentiate between fair comments and contemptuous acts, particularly in the digital age, in which social media exists to dominate both criticism and misinformation. These laws need to be changed in order to provide a balance between judicial dignity and the democratic aspects of freedom and accountability.

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Introduction

Contempt of court laws constitute a very important section of any legal system as they govern the behavior and accountability of an individual and an organization with regard to judicial authority and the judicial procedures (Daudpota, 2022). The Pakistani judiciary is a significant system that supports the rule of law, ensures constitutional rights of a citizen, and facilitates the delivery of justice without interfering with the freedom of expression and respect for the judiciary (Jumani, 2021). These problems rest on the socio-political, cultural, and institutional premises of the challenges to implement the balanced contempt provisions and judicial acts of censorship (Kaur, 2022).

The limitations of the freedom of discussion and press reporting of court proceedings and the extent of judicial power are just some of the numerous concerns in the legal framework of judicial censorship and contempt of court in Pakistan law (Fernando & Putra, 2024). These factors are complex due to the wide interpretations of the laws of contempt, the influence of politics in the judgments, and the dilemma that is created between the notion of judicial dignity and the noble ideals of democracy of the freedom of speech (Kureshi, 2024). Therewith, the issue of ethical dilemma within the interests of determining the boundaries of acceptable criticism and disrespectful behavior can be observed, and the reforms are to be taken into account to balance the powers of judges and the safeguarding of fundamental rights (Nalyvaiko et al., 2022).

The wide range of judicial censorship power, particularly in the media reporting and commentary of the court ruling by the people, is one of the concerns that are most pressing concerns of the Pakistani system of contempt of court

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(Naseer, 2025). The related violation of the principles of contempt laws to prevent truthful criticism is a failure of the democracy to take people to task and a mode of creating an environment where the judicial rule cannot be challenged (Daudpota, 2025). It is a frightening threat to the freedom of expression and exposes journalists and citizens to judicial overreach and endangering the principles of transparency and accountability (Kureshi, 2025).

Research Justification

The study of contempt of court and judicial censorship in Pakistan is interesting because the Pakistani democracy is dynamic, and the conflict between the judicial authority and freedom of the media is growing. The contempt laws in Pakistan, which were mostly based on colonial laws, have been vaguely defined and widely applied, upon which people often limit their capacity to criticize and conduct journalistic investigations. The recent notorious cases with media personalities, journalists, and other representatives of society have proved the urgency of the need to explore how these laws are interpreted and implemented in modern-day Pakistan.

The research is also timely, considering the fact that Pakistan is struggling with digitalization and the emergence of social media, which has completely changed the debate and criticism of judicial processes. The barriers that existed between the formal press and popular discourse have been smudged and pose new challenges in the enforcement of the contempt law. Besides these reports, the apparent adherence of Pakistan to the international human rights provisions, including freedom of expression and freedom of the press, requires a keen examination of how the contempt statutes relate to the obligations.

The study bridges the large gap in the body of law since it analyzes the interdependence between the requirements of the contempt of court and the

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constitutional right to free speech. Such a relationship is essential to suggest reforms that would help to protect judicial integrity and democratic values and become included in the general discussions concerning judicial transparency and accountability within the Pakistani judicial system.

Research Objectives

1. To discuss the historical context of contempt of court and judicial censorship in Pakistan.
2. To highlight the theoretical context of contempt of court and judicial censorship in Pakistan.
3. To analyze the laws regarding contempt of court and judicial censorship in Pakistan.
4. To identify key challenges regarding contempt of court and judicial censorship in Pakistan.
5. To explore the opportunities for minimizing contempt of court and judicial censorship in Pakistan.
6. To propose effective prevention and intervention strategies.

Research Methodology

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba & Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006), and classified information was incorporated into the study by organizing it into headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the research subject and its contents (Egger et al., 2022; Victor, 2008). The criteria for selection are listed.

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1. **Relevance:** Researches that directly addressed the questions posed by this study are included.
2. **Quality:** Studies that meet a certain quality threshold (e.g., methodological rigor, bias risk) are included. Most of the research is from Scopus-indexed and Clarivate Analytics journals and reputed publishers.
3. **Recency:** Consideration of the publication date to ensure that the review reflects the most current evidence. Most of the studies are from the last three years.
4. **Language:** Only studies published in English are included.
5. **Data Completeness:** Previous studies must provide sufficient data on outcomes of interest for practical synthesis; this is also ensured in this research.

This study did not use primary data from human participants; therefore, no ethics clearance letter from the ethics committee was required.

Literature Review

Contempt of court and judicial censorship are critical matters of any legal system that defines the connection of judicial authority, social responsibility, and the freedom of expression (Daudpota, 2022). The laws of contempt of court result in an essential question of inquiry in Pakistan, the country where judicial proceedings are fluid, where political and democratic regimes are subject to changes, and political considerations play an essential role in the processes (Kureshi, 2024). This literature review is intended to be a synthesis of the literature and debates on contempt of court in the Pakistani judicial system in relation to the scope of judicial censorship powers, media regulation, limitations to the discourse of the people, and a balance between judicial dignity and judicial accountability (Naseer, 2025).

A great number of works point to one of the most controversial aspects of the judicial system in Pakistan, which is the broad use of contempt laws. The

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studies show that the courts' censoring, which consists of prohibiting media coverage, denying the people the right to criticize, and excessive interpretation of contemptuous acts, constantly suppresses democracy and extinguishes the freedom to discuss issues peacefully (Sarwar et al., 2024). The contempt in Pakistan is not only restricted to the misconduct common with the courtroom but also encompasses the misconduct of the judge as per the presentation in the population, the press, and even the criticism of the judgment decisions in the academic writings (Fernando & Putra, 2024). Besides, (Jumani 2021) observes that in Pakistan, the contempt proceedings are frequently employed as a mechanism of judicial self-protection, which is why the situation occurs when the decisions made by the judiciary cannot be evaluated by the population (Nalyvaiko et al., 2022).

The other critical question that should be gauged is the impact of judicial activism on the law of contempt interpretation and application. The examination of the judicial custom in Pakistan reveals that the constitutional right to freedom of expression exists, but there is usually a tendency to violate these rights because of the liberal view of contempt (Kureshi, 2025). (Daudpota 2025) explains that the issue of criminalization of criticism and the prevalence of contempt powers have not been new in Pakistan, particularly in cases where the media has come into the picture, and the overall debate concerning the performance of the courts. It has raised much concern about balancing judicial dignity and other checks and balances of democracy (Ahmed et al., 2025).

Historical Context of Contempt of Court and Judicial Censorship in Pakistan

Judicial censorship and contempt of court laws have a historical basis in Pakistan, and their origin dates back to the British colonial rule of British India that provided the foundational framework and basis of judicial authority and

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contempt actions (Jumani, 2021). Pakistan was given the British legal system by the Indian partition of 1947, and the British legal system included contempt of court provisions, which were largely meant to preserve judicial dignity and power in the pre-independent colonial rule (Daudpota, 2022). This legislation gave the fundamental framework of ensuring that the court proceedings are safeguarded and the decisions taken by the courts are respected, but tended to put the judicial power above the rights of a person (Kaur, 2022).

First of all, laws on contempt in colonial times were focused on the preservation of British administrative authority instead of the priority of democratic values and judicial respect, which were interpreted restrictively, limiting the freedom of speech on court issues among the population (Nalyvaiko et al., 2022). The judiciary transformed its contempt jurisprudence across the years, especially following the 1973 Constitution, which established fundamental rights as well as judicial power (Fernando & Putra, 2024). Nevertheless, the history of military interventions and political instability that characterized the situation in Pakistan had a strong impact on the judicial behavior and the use of contempt law (Kureshi, 2022).

The modern dilemmas facing the contempt system in Pakistan are indicative of decades of judicial activism and broadening of the contempt power, where courts have taken to a greater extent of regulating the discourse of people and the media in addressing issues by effectively applying these laws to restrain the speech of critics (Kureshi, 2024; Naseer, 2025). Although the constitutional provisions of the freedom of expression ensure freedom of expression, the liberal interpretation of contempt laws still poses a problem between the judiciary and the democratic responsibility (Zehra et al., 2024).

Theoretical Context of Contempt of Court and Judicial Censorship in

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The legal and philosophical concepts that are related to contempt of court and judicial censorship provide a theoretical basis for understanding it. The principle of judicial independence, or the need to operate courts without interference, obstruction, or hindrance, is the basic principle of the doctrine of contempt of court. Being a key principle in the rule of law, this principle conflicts with the democratic ideal of freedom of expression, especially when it does so in regard to commenting on the behavior or rulings of the judicial.

The other approach to this issue is through constitutional theory. Separation of powers denotes that the judiciary must be independent but, at the same time, be open to scrutiny and accountable to the people. It is this that brings a paradox of absolute judicial security by contempt laws that is likely to violate the very principles of democracy that the judiciary is supposed to be serving.

The relationship is further explained by media theory and further studies on press freedom. The concept of the fourth estate places the media in a central role of checking the government's power, including judicial power. The sub-judice rule and contempt provisions, however, set limits to this watchdog role and ask the question where the legitimate examination of these matters terminates and the contemptuous interference commences. Lastly, more than ever before, the digital media theory is becoming more and more pertinent because the online platform and social media build new spaces where people can criticize or potentially detest them beyond the traditional legal frameworks that were established to address the conventional media.

Laws Regarding Contempt of Court and Judicial Censorship in Pakistan

The laws surrounding the Muslim state of Pakistan and freedom of the press regarding contempt of the court concerning contempt relate to some form of

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contradiction between the courts and democracy. Key laws include:

- 1. Constitution of Pakistan 1973 (Article 19 and 204):** Article 19 secures freedom of speech but limits it on the grounds of the contention of the court, among other reasons. Article 204 is an authority to make a constitutional censorship arm by granting courts the process to mete out punishment to censure.
- 2. Pakistan Electronic Media Regulatory Authority (2002):** PEMRA controls broadcast media, and such can prevent the court-related business by censorship in Section 27 of the PEMRA prohibits any program that is considered against the integrity of the judiciary.
- 3. Prevention of Electronic Crimes Act (PECA, 2016):** Section 20 proclaims speech online, which damages the reputation of the institution, including courts, which further suppresses investigation journalism.
- 4. The Contempt of Court Act, 2012:** This is an all-inclusive legislation that replaces the previous Contempt of Court Ordinance and that offers detailed provisions in regards to civil and criminal contempt. According to the Act, contempt is any act that prevents the proper administration of justice or protests against matters that diminish the dignity and the authority of the court. It sets rules of contempt actions and provides some punishment, such as prison terms and fines.
- 5. The Pakistan Penal Code of 1860, section 228:** There are provisions on intentional insult or interruption of judicial proceedings sitting in the presence of a judge, with provisions on the intentional sanctioning of law enforcement officials, enhancing contempt regulations.

Incorporating such landmark cases as *Mir Shakil-ur-Rahman v. State* (2020) gives examples of how contempt laws are used by courts as a punitive measure against journalists, which strengthens a self-censorship culture.

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Challenges for Minimizing Contempt of Court and Judicial Censorship in Pakistan

1. Absence of Public Education: Insufficient knowledge of the general population on the laws of contempt and their limits is why the law is unintentionally broken, and there is a stigma on effective judicial engagement amongst the people.

2. Digital Media and Social Media Problems: The emergence of digital media and social media has provided new sources of possible contempt, and the current laws have limited ability to respond to online content. The contemptuous information becomes very hard to control once it has been posted in the internet because of the flow of information that is very rapid.

3. Freedom of the Press vs. Jurisdiction: Media houses have difficulties when it comes to covering court cases without mentioning contempt. The absence of a definite rule on what constitutes fair comment and what amounts to contemptuous reporting sends a shiver down judicial journalism and the discourse of the masses about court decisions.

4. Lack of Legal Definitions: The general and at times ambiguous definition of contempt creates confusion about what contemptuous conduct is. This vagueness may create inconsistency in the application of the contempt laws and even abuse of judicial powers so as to prevent free criticism.

5. Political Interference and Selectivity: Contempt laws have been viewed as being selectively enforced on a case-by-case basis instead of being enforced uniformly on the same legal principles. The high-profile cases involving politicians or any other influential people may not be handled in the same manner as the common citizen.

Opportunities for Minimizing Contempt of Court and Judicial Censorship in

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1. Alternative Dispute Resolution: To reduce the number of cases that courts have to consider at the cost of the judicial authority and to eliminate the growing cost of court proceedings, one can encourage the utilization of mediation and reconciliation systems for minor cases of contempt. It will be a good solution to problems that may not necessarily be punitive.

2. Digital Governance Framework: As a solution to the existing issues, one can create in-depth policies to filter the internet content and social media posts about the national court system and uphold the fundamental rights. It also entails establishing mechanisms that will facilitate prompt action in case of any digital contempt case.

3. International Best practice: The way to reconcile judicial power and the freedom of expression, and reform would be more effective in Pakistan, as far as the contempt laws are concerned, should be informed by international examples.

4. Legal Reforms and Clarity: The intensive reorganization of the contempt law to bring out more specificity and definition, as well as rules, will assist in the reduction of ambiguity as well as the creation of consistency in the application of the law. It includes the generation of specific regulations of distinction between healthy criticism and scapegoating.

5. Media Practices and Education: Formulation of successful media rules in court reporting and training of journalists can help to balance the freedom of the press and respect for the courts. There are professional development programs that can be applied to enhance the knowledge of the legal boundaries in reporting on judicial matters.

6. Public Education and Awareness: Public awareness via educational campaigns on the laws of contempt and the necessity of upholding judicial

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independence would be able to improve the situation and make people take some action. Through educational programs, citizens can be capable of approach the justice system constructively, and conversely, be able to observe its authority.

Discussion

The application of contempt of court laws in Pakistan is an indication of a complicated interaction between judicial security and democratic openness. Survey of the recent cases indicates that Pakistani courts tend to give contempt provisions a broad meaning that is not only related to direct interference with court proceedings but also criticism of the court decision and conduct. This broad understanding has enormous implications for the freedom of the media since journalists and media organizations are becoming more restrictive of themselves to escape contempt charges. These dynamics are more complex in the digital era. The social media platforms have opened up commentary on judicial proceedings in more ways; however, they have generated additional avenues of potential contempt. Courts are torn between having the power and the fact that they make decisions that are immediately discussed by a huge number of people.

Moreover, there are no definite rules that make a distinction between a fair comment and contemptuous conduct, and this creates controversy. Especially, investigative journalism and reporting on the public interest are affected by this confusion as the boundary between a just investigation and possible contempt is blurred, and it ends up interfering with the right of the people to be informed about the judicial proceedings.

Conclusion

The contempt of court laws in Pakistan are a big challenge to the balance between the dignity of the judiciary and democratic transparency. The existing legal system, which relies on colonial-era laws, should be overhauled to suit the

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new media environment and digital communication media. Even though the preservation of judicial independence is still significant, the broad understanding of the contempt provisions poses a threat of the harm to the constitutional rights to freedom of speech and the freedom of the press. The trend of the laws to throttle legitimate criticism and journalistic inquiry jeopardizes the democratic process in Pakistan and the global human rights obligations. Reform should concentrate on the development of a sharp and strictly limited contempt to safeguard valuable judicial operations, and to ensure room to allow a legitimate public discourse and an independent media scrutiny of the judiciary.

Recommendations

- 1. Create Independent Oversight:** An independent body needs to be established to review the use of contempt laws, as well as to allow complaints on the selective or arbitrary application of contempt to create accountability and transparency in contempt proceedings.
- 2. Develop Appeals Mechanism:** Construct efficient methods of handling appeals in cases of contempt convictions that would lead to prompt and efficient review of contempt orders and would eliminate the risk of misuse of the power of contempt.
- 3. Enhance Legal Aid Services:** Provide proper legal representation to those in contempt cases, especially those who belong to marginalized groups who might not have the funds to defend themselves well.
- 4. Establish Media Ensuring:** Work along with the media rules through the development of media reporting regulations on the court processes, such as dos and don'ts when covering the court, directive procedures on live coverage, and social media activities of actions going on.
- 5. Focus on Public Education:** Conduct awareness campaigns on a national level

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to inform the citizens on contempt laws, their intent and limits, achieve respect for judiciary power, and result in legislation education.

6. Improve Judicial Education: Train the Judges to be able to deal with cases of contempt and to put some weight on the balanced understanding of how to preserve the judicial and the fundamental rights of the people to have freedom of expression and free press.

7. Imposing Digital Content Policies: Build fully operational systems of managing online judiciary content, such as protocols on how to process posts that are contemptuous or published on social media or on digital sources.

8. Monitor International Standards: Velvet periodically examines and updates the laws on contempt in Pakistan with international standards regarding human rights and best practices, and makes sure that they consider the treaties and conventions to which the nation of Pakistan is a signatory.

9. Nurture Stakeholder Conversation: Provide space to engage extended interaction between the judiciary, media, legal practitioners, and the civil society to provide feedback on arising issues in a bid to find collaborative solutions to problems of contempt.

10. Restate and specify the law of Contempt: Reform in depth legal legislation to give better definitions of contempt, to lay down certain standards for the various forms of contemptuous actions, and to see that consistency of the law is practiced on all platforms of judicial application.

Research Limitations

The studies on contempt of court and judicial censorship in Pakistan have a number of limitations. To begin with, there is limited access to full case information because not all court files have been digitized, and there is also a lack of uniform reporting of contempt cases on the various jurisdictional orders. The

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number of cases that are contempt instances, and especially media organizations, are resolved out of court or through a simple agreement, which makes it hard to have a complete analysis.

Second, the fact that it is a sensitive issue to critique the actions of the judiciary raises methodological matters, as researchers risk the possibility of being charged with contempt in the event of critically analyzing a particular case or decision by a court of law. It puts a deterring impression on research and critical thinking. Third, due to the fast-evolving digital media, many traditional legal guidelines and precedents can be overtaken in short order, and the historical analysis could be restricted. Lastly, the absence of standardized reporting systems of contempt proceedings in federal and provincial courts in Pakistan does not allow for conducting a comparative analysis and fully comprehending the patterns of enforcement.

Research Implications

Studies on contempt of court and judicial censorship in Pakistan imply a number of notable things:

- 1. Digital Governance:** The awareness of the issues of digital media can be used to develop suitable regulatory systems regarding Internet content in terms of judicial affairs.
- 2. International Relations:** The comparative studies may be used in advising Pakistan on how its contempt laws can be matched with the international best practices and standards of human rights.
- 3. Judicial Training:** Studies have indicated that judges and court personnel should have special training on how to deal with cases of contempt sensitively and consistently, with the focus on the balance between authority and rights.
- 4. Media Regulation:** Lessons: This would allow the creation of ethical standards

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to guide media in reporting on a judicial process, allowing the news organizations to walk the fine line of court reporting without incurring contempt.

5. Policy Development: The results can be used to make policy changes to revamp the contempt laws to make them effective to defend the judicial power and protect freedom of expression, as well as press freedom.

Future Research Directions

The future of Contempt of Court and Judicial Censorship in Pakistan can be analyzed in the spheres like:

1. Comparative Legal Analysis: the comparative analysis with other common law countries on the best practice in terms of striking a balance between judicial power and freedom of the press and freedom of expression.

2. Constitutional Law Evolution: The study of constitutional interpretation evolution as far as freedom of expression balance against inherent Article 19 contempt powers of the courts.

3. Digital Media Impact: A study of the influence of social media and online platforms on contempt proceedings, legal structures that could regulate online content to claim digital rights and maintain them is created.

4. Judicial Decision-Making Patterns: Analysis of the patterns of contempt cases in order to identify the issues that influence the judgment of the judge and possible tendencies of selective or biased use or enforcement of contempt.

5. Media Coverage Analysis: The question of the research under study is whether the level of trust that people have in the judicial system is influenced by media coverage of the judicial process.

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