Clash of Institutions: Role of Constitutional Courts in Mediating between Institutions

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Abstract : Brexit nudged the British executive towards overriding parliamentary sovereignty in the UK. In 2019, Prime Minister Boris Johnson sought to prorogue parliament to prevent it from debating withdrawal from the UK. In 2022, Pakistan's Prime Minister also tried to nullify the ability of parliament to vote on the constitutional mechanism of a no-confidence vote. In both cases, the apex courts intervened and restored the supremacy of Parliament, averting constitutional crises. This paper examines the legitimacy and power of said courts to intervene in sensitive political and constitutional questions. The research focuses on the administrative law area of judicial review. It examines how in UK and Pakistan practice of judicial review helps mediate constitutional deadlocks between institutions comparatively. This is secondary research employing qualitative, comparative, doctrinal, and analytical methodologies to research a specific area of law from two jurisdictions, using primary and secondary sources.

Keywords : administrative law, judicial review, law, constitutional law
Conference Title : ICALJ 2022 : International Conference on Administrative Law Judge
Conference Location : Zurich, Switzerland
Conference Dates : September 15-16, 2022

Open Science Index, Law and Political Sciences Vol:16, No:09, 2022 publications.waset.org/abstracts/153531.pdf