

## Developing Liberal Jurisprudence in Pakistan: Role of Justice A. R. Cornelius\*

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Justice Alvin Robert Cornelius, an eminent jurist and legal philosopher and the first catholic judge to serve as the Chief Justice of Pakistan (1960-1968),<sup>1</sup> was a renowned advocate of human rights who also became a prominent freedom activist of Pakistan movement. Cornelius was one of the leading Christian figures in the Pakistan movement and his active role towards the formation of Pakistan is exemplary.<sup>2</sup> He entertained the highest regard for the principles of truth, equity and good conscience that distinguished the faith of Islam.<sup>3</sup> He became the 'most unlikely champion of Islamization' and regarded it 'a necessary precondition for the reestablishment of the liberal rule of law in Pakistan.'<sup>4</sup> His activism grew stronger and deeper after accepting a legal position in the Punjab Government, where he contributed in establishing the court system of the newly-formed country.<sup>5</sup>

Cornelius opted for Pakistan and was one of its earliest citizens as he worked closely with Muhammad Ali Jinnah and Liaqat Ali Khan to help establish the legal sector of Pakistan. He served superior judiciary

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<sup>1</sup> Justice A.R. Cornelius (01 May 1903-21 December 1991) joined Indian Civil Service in November 1926 and served as Assistant Commissioner, Ambala and later opted for judiciary in 1930. He served in a number of districts in Punjab as District & Sessions Judge including the districts of Lahore and Amritsar. Further in 1946 he was elevated as Judge of the Lahore High Court and later as a Judge of Federal Court of Pakistan in 1951. On the promulgation of the first Constitution of Pakistan in 1956, he became a judge of the Supreme Court of Pakistan. He was appointed as the Chief Justice of Pakistan in 1960 and became the first Christian Chief Justice. He served as such till his retirement in 1968. Later he worked as a Law Minister in the Cabinet of Yahya Khan, 1969-16 December 1971.

<sup>2</sup> Aminullah Chaudry, "The Founding Fathers," in *Political Administrators: The Story of the Civil Service of Pakistan* (Karachi: Oxford University Press, 2011).

<sup>3</sup> A. R. Cornelius, *Law and Judiciary in Pakistan*, ed. S. M. Haider (Lahore: Lahore Law Times Publication, 1981), 10.

<sup>4</sup> Clark B. Lombardi, "Can Islamizing a Legal System Ever Help Promote Liberal Democracy?: A View from Pakistan," *University of St. Thomas Law Journal* 7, no. 3 (2010): 649-691, <https://ir.stthomas.edu/cgi/viewcontent.cgi?article=1237&context=ustlj>.

<sup>5</sup> Ibid.

for nearly 22 years and passed landmark judgments which formed part of the jurisprudence of Pakistan. He served as a Judge of the Supreme Court for about 17 years, out of which period he served as the fourth Chief Justice of Pakistan for 8 years (1960-1968).<sup>6</sup> During this period, he established his reputation as a liberal judge, who would recognize human rights and humanitarianism as the hallmark of judicial services. Cornelius was a relentless defender of *shariah*, and arguably played the most important role in inculcating some Islamic values in the legal institutions of Pakistan. He led the court towards a liberal interpretation of the law and the constitution which led to promotion and enforcement of fundamental rights under the Constitution. Khurram Ali Shafique highlights:<sup>7</sup>

The cornerstones of his legal philosophy may be summarised in three points: (a) Law has a moral function in society; (b) Law should be culture-sensitive; and (c) Islam is a valid foundation for a universal society.

The concept of liberal jurisprudence is often attributed to American Jurist, Earl Warren, who revamped US justice system as the Chief Justice during 1950s on the basis that the prime objective of the law is to safeguard the rights of the people through equal treatment and democratic governance.<sup>8</sup> The unique influence of the Warren Court went far beyond its most famous rulings, in *Brown v. Board of Education of Topeka*.<sup>9</sup>

Justice Cornelius followed the same concept of law and attained similar standards in advancing human rights and humanitarianism through his invaluable judgments. He was, however, fully aware of the cultural and civilizational differences of the settings in which he was operating. Therefore, he attempted in a number of speeches to place the argument before the legal fraternity that the Constitution of the Islamic

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<sup>6</sup> Cornelius, *Law and Judiciary in Pakistan*, 58, 229, 284.

<sup>7</sup> Khurram Ali Shafique, "Cornelius and Sharia Law," *Dawn*, January 13, 2011, <https://www.dawn.com/news/598409/cornelius-and-sharia-law>.

<sup>8</sup> G. Edward White, "Earl Warren as Jurist," *Virginia Law Review* 67, no. 3 (1981): 461-551. DOI: 10.2307/1072897.

<sup>9</sup> *Brown v. Board of Education of Topeka*, [1954] 347, 483 (USA). In this case justice Earl Warren declared that segregation and equality can never be held parallel. The Court ruled that American state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. Handed down on May 17, 1954, the Court's unanimous (9-0) decision stated that 'separate educational facilities are inherently unequal,' and therefore violate the Equal Protection Clause of the Fourteenth Amendment of the US Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in *Brown v. Board of Education of Topeka*, [1955] 349 294 (USA) only ordered states to desegregate 'with all deliberate speed.'

Republic of Pakistan imposed a duty upon them to implement the principles of Islam, and thus to establish liberty, equality, tolerance and social justice among the people.<sup>10</sup>

His judgments formed the basis for introducing 'judicial review' of administrative action; due process of law; equality before the law; and the principles of natural justice. His historic dissent in *Maulvi Tamizuddin Khan v. Federation of Pakistan*<sup>11</sup> stands as a model of judicial courage and uprightness in the annals of history of Pakistan. This case was brought before the judiciary in the aftermath of dissolution of the Constituent Assembly by the then Governor General Ghulam Muhammad. In 1954, the Constituent Assembly of Pakistan had passed two important bills. On September 20, 1954, it repealed the Public and Representative Office Disqualification Act of 1949-(PRODA).<sup>12</sup> The second bill was the amendment of sections 9,10,10A and 10B of the Government of India Act, 1935 as adapted by Pakistan.

This amendment was to deprive the Governor General of his powers to dismiss his ministers, who could previously hold offices only during the pleasure of the Governor General. In effect of the amendment ministers would instead be individually and collectively responsible to the federal legislature. Obviously, the Constituent Assembly wished to prevent the arbitrary actions like the dismissal of the Nazimuddin's Cabinet in April 1953. Principally, these changes in the law meant progress towards strengthening the parliamentary democracy, but in the political environment of the country at that time, they were no less than a 'constitutional coup.'<sup>13</sup>

In response, Governor General dissolved the Constituent Assembly on October 24, 1954 and announced an end to what he described as 'parliamentary bickering.'<sup>14</sup> Simultaneously, he declared emergency throughout the country. Prime Minister Muhammad Ali Bogra was asked to form a Cabinet by the Governor General. This hastily formed government included General Muhammad Ayub Khan, the Commander-in-Chief of the Pakistan Army as Minister for Defense. This was the beginning of army taking over civilian responsibilities and the end of the supremacy of the civilian over military power.<sup>15</sup>

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<sup>10</sup> Cornelius, *Law and Judiciary in Pakistan*, 10.

<sup>11</sup> *Maulvi Tamizuddin Khan v. Federation of Pakistan*, [1955] PLD Sindh 96 (Pak.).

<sup>12</sup> Public and Representation Offices Disqualification Act of 1949 Central Acts 173 (1949). See also PLD 1949 Central Acts, Ordinances, Orders and Notifications, p.177.

<sup>13</sup> Hamid Khan, *Constitutional and Political History of Pakistan*, 2nd ed. (Karachi: Oxford University Press, 2009), 78.

<sup>14</sup> Wayne Ayres Wilcox, *Pakistan: The Consolidation of a Nation* (New York: Columbia University Press, 1963).

<sup>15</sup> *Ibid.*, 78; 79.

Maulvi Tamizuddin Khan, being the President of the Constituent Assembly, challenged the proclamation of emergency and dissolution of the Assembly by the Governor General and termed it as 'unconstitutional, illegal, *ultra vires*, without jurisdiction, inoperative and void.' He prayed to the Sindh Chief Court for a writ of *mandamus*,<sup>16</sup> to restrain the government from interfering with the exercise of his functions as President of the Assembly and for a writ of *quo warranto*<sup>17</sup> with a view to determine the validity of certain appointment to the Governor General's Council of Ministers.<sup>18</sup> The full bench of the Sindh Chief Court decided unanimously in favor of Maulvi Tamizuddin Khan and allowed his writ petition.<sup>19</sup> The court overruled the objections taken on behalf of the Federal Government regarding the power of the Governor General to dissolve the Constituent Assembly. It held that the Indian Independence Act, 1947 did not contain any provision that would empower the Governor General to dissolve the Assembly. The Court thus issued writ of *quo warranto* to the ministers in the new cabinet and the writ of *mandamus* restoring Maulvi Tamizuddin Khan to the office as the President of the Constituent Assembly restraining respondents from interfering with his duties and from obstructing him in the exercise of his functions.<sup>20</sup>

An appeal to the Federal Court against the decision of the Sindh Court was immediately filed by the Government. With a majority of four to one, the Federal Court decided in favor of the Government and turned down the decision of the Sindh Chief Court on March 21, 1955. Justice A. R. Cornelius was the only judge in the five-member bench of the Federal Court who wrote a dissenting note. The decision of the majority of the Federal Court was based on invalidity of section 223A of the Government of India Act, 1935, which invested the courts with the power to issue writs of *mandamus* and *quo warranto* had not received the assent of the Governor General and was not a valid piece of legislation and no relief could thus be granted by the Sindh Chief Court thereunder. The court did not go into the other issues in the case. The most significant aspect in the Federal Court's judgments was that it did not go into the question of whether the Constituent Assembly was rightfully dissolved by the

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<sup>16</sup> An extraordinary court order made to an inferior court or government official.

<sup>17</sup> A writ *quo warranto* is used to challenge a person's right to hold a public or corporate office.

<sup>18</sup> It is interesting to note that in the writ petition, Maulvi Tamizuddin Khan had arrayed Muhammad Ali Bogra, the Prime Minister and member of his new Cabinet, namely Major-General Iskandar Mirza, M. A. H Isphahani, Dr A. M. Malik, Dr Khan Shahib, General Muhammad Ayub Khan, Ghayasuddin Pathan, and Mir Ghulam Ali Talpur, as respondents. He, thus, challenged the formation of the new Cabinet and their being ministers in it.

<sup>19</sup> Maulvi Tamizuddin Khan v. Federation of Pakistan, [1955] PLD Sindh 96 (Pak.).

<sup>20</sup> Khan, *Constitutional and Political History of Pakistan*, 81-82.

Governor General and reversed the judgment of the Sindh Chief Court on mere technical grounds.

Justice Cornelius upheld the judgment of the Chief Court and wrote a strong note of dissent observing that there was no requirement under the Indian Independence Act, 1947 that all laws of constitutional nature passed by the Constituent Assembly required assent of the Governor General for their validity and operation. He gave principal reasons for reaching such a conclusion. According to him, the Constituent Assembly was provided with sheer powers because of two reasons: first, the Constituent Assembly was a sovereign body; and second, because the statutes under which the Governor General was required to function were within the competence of the Constitution Assembly to amend. The Executive Government of the Federation had never, until after the event of October 24, 1954, shown any sign of doubt on this point.

The Constituent Assembly was designed to be a sovereign body and to have the authority to exercise sovereign power, including power to alter the constitution subject to which the Governor General was intended to act. Therefore, it would clearly be inconsistent with the design and purpose of the Constituent Assembly if the 'qualified negative' assent by the Governor General was to be imposed upon its constitutional laws.<sup>21</sup> It was within the complete power of the Constituent Assembly to determine the constitution of the 'Legislative of the Dominion,' or Union Legislature and to determine the scope of its legislative competency as well as the mode in which its laws should be enacted. The British Parliament could not affect to prescribe the requirement of assent, as an essential formality, in respect of the laws made by such a legislature. This would usurp the functions of the Constituent Assembly. Therefore, it was clear that neither the British sovereign nor the Governor General, as such, were part of the Constituent Assembly.<sup>22</sup>

Had this been the opinion of the majority of the Federal Court, the constitutional history of Pakistan might have been different today. Nonetheless, the opinion of Justice Cornelius in this case greatly influenced the Federal Court in subsequent judgments.

As a result of the judgment of the Federal Court in *Maulvi Tamizuddin Khan v. Federation of Pakistan*, the country faced a legal void as total forty-six Acts on the statute book that did not have assent of Governor General were declared invalid. Subsequently, however, the Governor General promulgated the Emergency Powers Ordinance (IX of

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<sup>21</sup> Ibid., 83.

<sup>22</sup> Ibid., 84.

1955) and assumed emergency powers.<sup>23</sup> A 'state of grave emergency' was declared throughout the country, presumably to prevent the breakdown of the constitutional machinery of the country. These powers were soon challenged before the Federal Court in *Usif Patel and Two Others v. The Crown*.<sup>24</sup> A full bench of the Federal Court, presided over by the Chief Justice Muhammad Munir declared that the Governor General could not amend the Constitution of the country through ordinance.<sup>25</sup> It was held that the power to amend any provision of the Constitution was conferred only in the Constituent Assembly whose continuing legal status was recognized.<sup>26</sup> This decision of the Federal Court put the country in yet another constitutional crisis of magnitude even greater than the dissolution of the Constituent Assembly.

Due to the overall situation, the Governor General filed a reference in the Federal Court to seek guidance on four issues: powers and responsibilities of the Governor General during the interim period; the possible legal option to declare that all orders, decisions and acts could hold ground until question of their validation is determined by legislature; the authenticity of the dissolution of the Constituent Assembly; and competence of the Governor General's proposed legislative dispensation to exercise the powers conferred by the Indian Independence Act, 1947 on the Constituent Assembly.<sup>27</sup>

In its detailed opinion, the full Court, consisting of five judges responded to these questions with one judge dissenting in opinion from the rest. The Court opined that the Governor General had the powers during the interim period under the common law of civil and state necessity of retrospectively validating the laws listed in the Schedule to the Emergency Powers Ordinance, 1955.<sup>28</sup>

Consequently, all these laws became valid and enforceable as if they had been valid from the date on which they had come into force until the question of their validation is decided upon by the Constitution. It was argued that the actions taken in extreme emergency situations were based in the maxim *Salus Populi supreme Lex esto* (let the welfare of the people be the supreme law).<sup>29</sup>

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<sup>23</sup> Hamid Khan, "An Era of Legal Battels," in *Constitutional and Political History of Pakistan*, 85.

<sup>24</sup> *Usif Patel and Two Others v. The Crown*, [1955] PLD Federal Court 387 (Pak.).

<sup>25</sup> The Constitution of the Republic of Pakistan of 1962, Art. 224, and Art. 242 (1962).

<sup>26</sup> *Usif Patel and Two Others v. The Crown*.

<sup>27</sup> Reference by His Excellency Governor-General, [1955] PLD Federal Court 435 (Pak.).

<sup>28</sup> Khan, "An Era of Legal Battels," 87.

<sup>29</sup> Reference by His Excellency Governor-General.

Once again, the dissenting judge was Justice Cornelius who wrote his own lengthy opinion on questions referred by the Governor General and while addressing the questions, he held that there was no provision in the Constitution or no rule of law applicable by which the Governor General could, in the light of the verdict in *Usif Patel and Two Others v. The Crown*, validate the laws enumerated in the Schedule to the Emergency Powers Ordinance 1955, whether temporarily or permanently.<sup>30</sup>

In fact, the Federal Court in the present reference has fallen back upon the doctrine of state necessity to take Pakistan out of the constitutional impasse, it led the country into by the judgments passed in *Maulvi Tamizuddin Khan v. Federation of Pakistan* and *Usif Patel and Two Others v. The Crown* by validating the laws listed in the Schedule to the Emergency Power Ordinance, 1955 on the basis of such doctrine.<sup>31</sup>

*State vs. Dosso*<sup>32</sup> is yet another milestone in the constitutional history of Pakistan. In this case, the validity of Laws (Continuance in Force) Order, 1958—in effect the validity and legitimacy of the imposition of martial law itself—was soon called into question before the Supreme Court of Pakistan. The question involved in this case was whether the writ issued by the Lahore High Court had abated under Clause (7) of Article 1 of the Laws (Continuance in Force) Order, 1958.<sup>33</sup> The Supreme Court of Pakistan, led once again by Chief Justice Muhammad Munir, upheld the martial law and the Laws (Continuance in Force) Order, 1958. In the leading judgment, the Chief Justice 'held that a victorious revolution or a successful coup d'état is an internationally recognized legal method of changing a constitution.'<sup>34</sup>

In this decision, though Justice A. R. Cornelius concurred with the resulting order of a majority of the Judges of the Supreme Court, yet he differed on a very basic and significant point. He tried to save the fundamental rights of the citizens, even under the Martial Law. Unlike the majority of the judges, who held that fundamental rights ceased with the imposition of martial law, he observed that the fundamental rights written in the Constitution of 1956, did not derive their entire validity from the fact of having been detailed and enacted in the Constitution. On the contrary, most of these rights were essentially human rights which inherently belonged to every citizen of a country governed. According to

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<sup>30</sup> Ibid.

<sup>31</sup> Khan, "An Era of Legal Battles," 88.

<sup>32</sup> *State v. Dosso*, [1958] PLD S.C. 533 (Pak.).

<sup>33</sup> Ibid.

<sup>34</sup> Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2005), 214.

him under the Constitution of 1956, the highest authority of an overriding character, governing all laws and legislation in the country, had been given to the principles which were defined and enumerated as Fundamental Rights in Part II thereof. No law could be made in contravention of those rights.<sup>35</sup>

According to Justice A.R Cornelius, human rights did not depend on a written guarantee as these were basic rights that did not disappear due to the fact that the legal instrument that had protected them was no longer in force. Justice Cornelius had based his arguments on natural law and his approach had the advantage that he could continue to rely on the basic human rights.

He defended the fundamental rights on the rationale that since Laws (Continuance in Force) Order, 1958 provided that the country would be governed in accordance with the late Constitution, therefore, the fundamental rights, being generally related to all matters within the jurisdiction of Government, should be kept alive. He held in *Saiyyid Abul A'la Maudoodi v. Government of West Pakistan*<sup>36</sup> that any law in conflict with the fundamental right of freedom of association guaranteed by the Constitution would be void.

Justice Cornelius contributed to the development of the doctrines of 'judicial review' and 'separation of powers' in Pakistan. He considered the function of judicial review to act as 'a check against excess of power in derogation of private right.'<sup>37</sup> Nonetheless, the judicial review, could not oversee all administrative judgements, for it exists to check, not to replace them. Also, he enlisted the prerequisites of exercising judicial review, which included the *locus standi*<sup>38</sup> of the petitioner to pursue the matter and the existence of conflicting legal standpoints so that the justiciable issues could already be raised, and the administrative action could take the final shape. However, the law itself must not indicate that the public interest requires the decision to be operated exclusively within the administrative sphere.<sup>39</sup> In *Fazlul Quader Chowdhry and Others v. Muhammad Abdul Haque*, he upheld and established the doctrine of judicial review by the Courts to interpret the Constitution and review legislation for its constitutionality. According to him,

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<sup>35</sup> Ibid.

<sup>36</sup> *Saiyyid Abul A'la Maudoodi v. Government of West Pakistan*, [1964] PLD SC 673 (Pak.).

<sup>37</sup> Muhammad Rizwan, "Remedies in Judicial Review of Administrative Action" (paper, Superior University Lahore, Lahore, 2017), [https://www.academia.edu/37734820/Remedies\\_in\\_Judicial\\_Review\\_of\\_Administrative\\_Action](https://www.academia.edu/37734820/Remedies_in_Judicial_Review_of_Administrative_Action).

<sup>38</sup> The Right of the petitioner to appear and be heard in a Court on a matter.

<sup>39</sup> Ibid.



...a written Constitution necessarily connotes the existence of courts which will, in a graded hierarchy, examine and fully decide the questions which are certain to arise in great number as to whether an act of a Statutory Authority, or a law passed by a law-making authority under the Constitution, is or is not, in contravention of the Constitution.

In *Tariq Transport Company, Lahore v. Sargodha- Bhera Bus Service*,<sup>40</sup> he held,

...division of functions between the three limbs of the State in Pakistan is by no means less clear than it is in England. To observe and to respect this division is implicit under the duty of loyalty to the Constitution which rests upon all citizens but, in particular, upon those who are entrusted with the duty of interpreting and implementing the Constitution.

Justice Cornelius developed the concept of due process of law in Pakistan. In *Saiyyid Abul A'la Maudoodi v. Government of West Pakistan*, he believed that the courts not only have the right to strike down the statutes which are repugnant to the Constitution, but also executive action can be taken under a statute if due process of law has not been observed. He emphasized that the requirements of the due process of law include: notice in advance and the opportunity to be heard, where deprivation of private right is threatened. He held in *Government of East Pakistan v. Rowshan Bijaya Shaukat Ali Khan*<sup>41</sup> that it was within the powers of courts in Pakistan to subject an executive action to judicial review, which was in derogation of a private right derived from the Constitution.

Among the doctrines initiated by him was the concept of natural justice embodied in the maxim of *audi alteram partem* (hear the other side), which provided immediate protection of rights of the individual against the arbitrary procedure adopted by a judicial, quasi-judicial and administrative authority while making an order affecting the rights of private citizens.<sup>42</sup> In the case of *Farid Sons Limited v. Government of Pakistan*,<sup>43</sup> he emphasized that this principle would be applicable in a

<sup>40</sup> *Tariq Transport Company, Lahore v. Sargodha-Bhera Bus Service*, [1958] PLD SC 437 (Pak.).

<sup>41</sup> *Government of East Pakistan v. Rowshan Bijaya Shaukat Ali Khan*, [1966] PLD SC 286 (Pak.).

<sup>42</sup> *Commissioner of Income Tax, East Pakistan v. Fazl ur Rehman and Saeed ur Rehman*, [1964] PLD SC 410.

<sup>43</sup> *Farid Sons Limited v. Government of Pakistan*, [1961] PLD SC 537 (Pak.).

matter involving deprivation of property rights even though the statutory instrument might itself contain no direct provision to that effect. He, in his judgments, was mindful of the notion that justice should not only be done, but should also be seen to be done. He emphasized upon this doctrine in *Farid Sons Limited v. Government of Pakistan* in 1961 and in *Muhammad Zafarullah Khan v. The Custodian of Evacuee Property*<sup>44</sup> in 1964.

Justice Cornelius stressed upon upholding the principles of liberty, equality and fraternity. He believed that the fundamental rights provided in the Constitution of Pakistan were based on the principles of democracy, freedom, tolerance and social justice as initiated by Islam. He was extremely sensitive to the liberty of the common citizen and strongly condemned any misuse of power by the administrative authorities vis-à-vis liberties of the citizens. He narrowed down the scope of preventive detention and in *Malik Ghulam Jilani v. The Government of West Pakistan*,<sup>45</sup> he laid down the requirement of objective standards for the detaining authorities who were required to know for certain that the person being placed in preventive detention was likely to act in a prejudicial manner, and that such act of preventive detention was motivated by imminent and real necessity. The detaining authorities were directed not to use subjective standards in the matter of preventive detention. This was a huge departure from the law of preventive detention in the United Kingdom.

To conclude, Justice A.R Cornelius views about the law, justice and equality laid down the principle that the government exists entirely for the benefit of the governed and that all men are equal and, therefore, enjoy equal and inalienable natural rights. He supported the notion that the Government must derive its authority from the consent of the governed and that the exercise of this authority should be circumscribed to prescribed limits. He was mindful of the fact that the Government and its functionaries, at times, act with malice, caprice and in an arbitrary manner. He, therefore, through his judgments, denounced all such actions. He declared a *malafide* (in bad faith) act as, by its very nature, an act without jurisdiction; therefore such an order is a fraud on the statute.<sup>46</sup> Based on this reasoning, he believed that no legislature, when it grants power to take action or pass an order, contemplates a *malafide* exercise of power.

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<sup>44</sup> Muhammad Zafarullah Khan v. The Custodian of Evacuee Property, [1964] PLD S.C. 865 (Pak.).

<sup>45</sup> Malik Ghulam Jilani v. The Government of West Pakistan, [1967] PLD SC 373 (Pak.).

<sup>46</sup> Abdul Rauf v. Abdul Hamid Khan, [1965] PLD SC 671 (Pak.).

His opinions in above mentioned cases clearly establish his deep concern for the protection of the rights of a common citizen against the powerful State and its powerful establishment. He strongly believed that it is a bounden duty of the judiciary to come to the assistance of a common man who is facing powerful government officials, armed with the coercive powers of the State. His emphasis on the rule of law and due process of law; the enforcement of fundamental rights; separation of powers particularly between the executive and the judiciary; insertion and inclusion of principles of natural justice in every proceeding of judicial, quasi-judicial and administrative nature; quashing of *malafide* acts and orders of the public officials from all branches of the government; and protection of citizens from unnecessary and unjustified detention under preventive detention laws are the basis of the liberal jurisprudence that he established for Pakistani citizens and successive generations.

In short, Justice Cornelius laid down the liberal principle for enforcement of law by the Courts. The fundamental rights and civil liberties guaranteed to citizens under the Constitution were developed into a living law by the judgments of Justice Cornelius in the very initial years of the existence of Pakistan. His judgments leaned towards democratic principles. He has thus rendered a permanent service to the people of Pakistan by extending the rule of law, due process of law, equality among citizens, fundamental rights and democracy in the country.

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