



The Ban on Student Unions in Pakistan: A Constitutional Violation of the Right to Association and Equality of Citizens

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ARTICLE INFO

Article History:

Received: January 09, 2026
Revised: February 03, 2026
Accepted: February 10, 2026
Available Online: February 22, 2026

Keywords:

Student unions, freedom of association, equality of citizens, Pakistan Constitution 1973, ICCPR, civic participation, fundamental rights.

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ABSTRACT

This article discusses the legal and constitutional aspects of the ban on student unions in Pakistan, which is a ban that has been in force since the Supreme Court issued its historic decision in Muhammad Ismail Qureshi and Others v M Awais Secretary General (IJT) and Others (1993 SCMR 1781). The paper contends that the ban amounts to a substantive contravention of Articles 4, 17, 25, and 25-A of the Constitution of Pakistan 1973, and also Pakistan obligations under the International Covenant on Civil and Political Rights (ICCPR). The ruling, which was made without observing the constitutionally defined process of banning political associations, was beyond the remit of the Supreme Court and it violated the separation of powers principle and the parliamentary supremacy. Comparative analysis of the student union systems in the United Kingdom, India, and the United States provides insight to the fact that the student political engagement is universally accepted as part of the civic development, democratic culture, and education right. Structural inequity continues to be ensured by the exclusion of students in the university governance institutions such as the Syndicate, Senate, Academic Council and Discipline Committee, which contravene the equality guarantee in Article 25. This paper suggests legislative change and remedial judicial review as the two main tools to reinstate the constitutional rights of students, and argues in favor of a legislative framework that is based on the Sindh Student Union Act 2022. The results have immense implications on constitutional jurisprudence, civic education policy and safeguarding of basic rights in Pakistan.

Introduction

The world has placed student unions at the heart of the democratic governance, civil education, and institutional accountability architecture. In operating democracies in the United Kingdom and the United States as well as in India and South Africa student unions are known to be essential organs of leadership development, youth interests, and training the future generation of political parties. However, this is not the case with Pakistan: the country has had an effective nationwide ban on student unions since 1992, based on an order of the Supreme Court, and, according to most constitutional scholars, made without adequate legislative or constitutional authorization. The problem of state oppression of student political activity in Pakistan has a long history. The martial law government led by General Zia-ul-Haq, issued a set of executive orders in January, February 1984 called MLO Nos 1258, 1371 and 227 which banned the student union in Islamabad, Punjab and Sindh respectively. In December 1988, when Benazir Bhutto took over power, she reneged these orders in an address to Parliament which temporarily lifted student political rights. The healing, however, did not last long. The Supreme Court of Pakistan on a human rights petition with respect to violence in campuses with IJT being the main culprit effecting the violence, passed on 1 July 1992, an interim order that effectively proscribed all student unions in the country. It was affirmed by a final judgment on 10 March 1993 (1993 SCMR 1781) which established a legal status quo that has lasted more than thirty years.

The constitutional validity of the Supreme Court decision of the year 1993 is the legal issue central to this paper. In the constitution of Pakistan 1973, in the article 17, it is stated that all citizens have the right to join political parties, form association and unions and is bound only by the restrictions to maintain the sovereignty and integrity of the state of Pakistan. Article 25 stipulates equality of every citizen under the law. In article 8, the declaration states that any law or executive act that will go against basic rights will be invalid. Article 4 protects the right of all citizens to be treated according to the law and it does not allow the authority to deny an individual the opportunity to do what the law does not forbid. Put together, these provisions establish a clear constitutional provision in which the wholesale ban on student unions not made by Parliament but by judicial order, and not based on national security but on the campus mayhem is legally unsustainable. There are three major research questions discussed in this article. Firstly, which are the constitutional and legal reasons why the 1993 Supreme Court prohibition of student union infringes upon basic rights as established by the Constitution of Pakistan 1973? Second, what is the comparative legal evaluation of the connection between student political involvement and constitutional rights in the United Kingdom, India and the United States? Third, what are the legislative and judicial processes that can be used and what changes should be made to reinstate the constitutional rights of students and bring the legal order within Pakistan on par with the international human rights norms?

The article can be used in reference to three areas of scholarship: constitutional law, in particular the doctrine of judicial overreach and the scope of the suo motu jurisdiction of the Supreme Court; comparative law of student political rights; and the jurisprudence of civic participation through the lenses of international human rights instruments. The discussion takes off the thesis statement that the 1993 ban is ultra vires the Constitution, and that its further perpetuation is not only legally unsustainable, but empirically harmful to the civic and democratic culture of Pakistan.

Literature Review and Historical Context

Student Unions in Global Perspective

The social science of student unions as a means of civic and democratic engagement is voluminous. In the original comparative study, Altbach (1989) recorded the political transition of democratization in Asian, Latin American and European nations by student movements, and found that student political organisations are active as incubators of democratic culture, in which they train citizen in deliberation and collective action. More recently, Klemencic (2012) listed student representative bodies as constitutionally and institutionally recognised in the majority of developed democracies, which suppress student representative bodies are associated with authoritarian governance and the suppression of the civil society. In the United Kingdom, student unions are legally founded under the Education Act 1994 which obliges all higher education institutions to make sure that their student union functions fairly and democratically and is also accountable in its use of finances. NUS is an organization that represents students at the national level; this organization was established in 1922 and in the past, the organization has produced political leaders.

Student governments in the United States are chartered and constitutionally guaranteed by the First Amendment of the constitution to the freedom of political expression and political association. In *Healy v James* (1972), the Supreme Court of the United States declared that the freedom of association guaranteed by the Constitution applies to political organisations on campuses in their entirety, and that the political opinions of such organisations should not be used by the government to deny the recognition of student groups in the university. Student union elections in India are subject to regulatory provisions by the Lyngdoh Committee (2006) which was set up due to a direction of the Supreme Court of India in *University of Kerala v Council, Principals, Colleges and Others* (2009).

The Lyngdoh recommendations carry with them the eligibility and a code of conduct, but expressly cite the constitutional right of students to form and join unions as an exercise of Article 19(1)(c) of the Indian Constitution, which grants the right to join an association or union. This experience of comparison sets a global normative standard, student unions are not a luxury that administrative goodwill gives up, but a right under the Constitution that can only be subject to proportionate regulation to which the legislature has the constitutional power to grant.

History of Student Unions in Pakistan

Muslim Student Federation (MSF) founded in 1937, preceded the Pakistani statehood and was very active in the Pakistan Movement that supported the vision of a separate Muslim homeland by Muhammad Ali Jinnah. Student unions were flourishing on both ends of the political spectrum with the establishment of the National Student Federation (1953), the Democratic Students Federation (1950), the People Student Federation (PSF, 1973, allied with the Pakistan Peoples Party) and the Islami Jamiat-e-Talaba (IJT, 1947, allied with Jamaat-e-Islami) Students themselves were encouraged to be involved in national life by Jinnah himself when he stated that they were the nation builders of tomorrow (Selected Speeches and Statements of Quaid-e-Azam, p 449). The political importance of student unions was given a formal recognition when the Prime Minister Zulfikar Ali Bhutto recognised the students representation in university governing bodies, the Syndicate, Senate, Academic Council and Discipline Committee by recognising students as legitimate stakeholders in the institutions. This was overturned as General Zia-ul-Haq took over power on 5 July 1977. The student unions were rightly viewed by the administration of Zia as organised resistance centres: students had played a significant role in the popular mobilisation that

had overthrown General Ayub Khan after the Tashkent Declaration of 1966 and the PSF was a key organisational institution of the PPP government that Zia had overthrown. In early 1984, the ban declared via Martial Law Orders had been, as the PILDAT research report "Revival of Student Unions in Pakistan" (2012) records, mostly a political self-preservation measure, and not a reaction to some actual security emergency.

In December 1988, student political life briefly resumed in universities after Benazir Bhutto had lifted the ban. Nevertheless, inter-factional violence was also rife during the period with the IJT being the main victim in most cases since the organisation had maintained organisational infrastructures throughout the years of Zia. This environment of disorder on campus rather than a conscientious constitutional examination is what lends the immediate setting to the ban of 1992-1993 of the Supreme Court. Legal experts, such as those listed in the PILDAT report, have always doubted the fact that a judicial order prompted by the campus violence without legislative grounds and violating the established procedure of banning associations as stipulated in Article 17 of the constitution can be constitutional.

Previous Legal Commentary

The legal literature on the constitutionality of the ban of 1993 is relatively low, which this article attempts to fill. The PILDAT report is the first to give a detailed policy analysis. The 1993 judgment has been characterized by constitutional commentary by Hamid Khan (*Constitutional and Political History of Pakistan*, 3rd edn, 2017) as a case of judicial activism, which was outside the mandate the Court had specified. According to Khan, the constitutional process under Article 17(2) of stifling a political association which had to obtain a federal government reference to the Supreme Court was not followed because there was a suo motu order which was not complied with. Equally, the institutional development of the Pakistani judicial system in the analysis of Faqir Hussain, there are numerous cases when the Supreme Court can take the role of the legislative body, where the student union ban is one of the most striking. The study of international human rights has placed the ban of Pakistan in a global pattern of authoritarian limitation of youthful political participation in politics. A correlation between the suppression of student political organisations and wider democratic deficits has been recorded by the International Institute of Democracy and Electoral Assistance (International IDEA) and student unions have been found by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association to be covered associations under international human rights law (Report A/HRC/20/27, 2012).

Legal Analysis

The 1993 Supreme Court Judgment: Ratio and Critique

Muhammad Ismail Qureshi and Others v M Awais Secretary General (IJT) and Others (1993 SCMR 1781) was decided by three judge bench of Supreme Court of Pakistan including Chief Justice Muhammad Afzalzullah, Justice Muhammad Afzal Lone and Justice Wali Muhammad Khan. The case was brought about by a sequence of human rights petitions made on Article 184(3) of the Constitution (Cases Nos 43, 59, 63, 64, 65, 79, 602, and 603 of 1992) after reported instances of violence in campuses, mainly at the hands of IJT.

Article 17: Freedom of Association

Article 17(1) of the Constitution of Pakistan 1973 provides: "Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan." The operative features of this provision are three. First, the right is universal: "every citizen" includes students, who are citizens without constitutional

qualification. Second, the right extends explicitly to "associations or unions" not merely to formally constituted political parties. Third, restrictions must be (i) imposed by law that is, by legislation enacted by a competent legislature, not by judicial order and (ii) justified by the specific interest of national sovereignty and integrity.

Article 17(1) is further protected by Article 17's own emergency provisions: the Constitution provides that freedom of association under Article 17 cannot be suspended even during a Proclamation of Emergency under Article 233. If the Constitution does not permit the executive to suspend this right even during an emergency, a fortiori the judiciary cannot permanently suppress it by judgment in ordinary constitutional conditions.

Article 25: Equality of Citizens

The Constitution of Pakistan 1973 has given article 17(1) as follows: "Every citizen shall have a right to form associations or unions, provided reasonable restrictions imposed upon such by law in interest of sovereignty or integrity of Pakistan. This provision has three operative characteristics. First, the right is universal: all citizens are covered by it, and students are citizens who, despite their lack of constitutional qualification, are citizens. Second, the right is explicitly granted to the associations or unions and does not just refer to the formally established political parties. Third, they must be (i) imposed by law, that is, by legislation adopted by a competent legislature, and not by judicial order (ii) and must also be motivated by the particular interest of national sovereignty and integrity. The ban which was imposed by the 1993 judgment fails to fulfill any of these requirements. It was not legally enforced as it should have been. The case of PLD 1958 Lah 887, and PLD 1958 Dacca 560, set at an early date in the constitutional jurisprudence of Pakistan, that freedom of association was a fundamental right, which could not be prohibited by fiat of the executive or judicial authority in the face of no enactment of a legislative act to the contrary. This judgment is not triggered by the fact that it cannot make any finding that student unions are acting contrary to the sovereignty and integrity of Pakistan. As much as it is regrettable, campus disorder is not a constitutionally recognised reason to abrogate freedom of association.

Article 17(1) is also safeguarded by Article 17 emergency: the Constitution states that the freedom of association guaranteed by Article 17 cannot be suspended even in case of Proclamation of Emergency guaranteed by Article 233. When the Constitution itself forbids the suspension of this right even by the executive in the event of an emergency, a fortiori the judiciary cannot by sentence cut down the right permanently in normal constitutional circumstances.

Article 8: Invalidity of Laws Violating Fundamental Rights

Article 8(1) gives: "Any law, or any custom or usage which is a law, in the measure to which it is inconsistent with the rights granted by this Chapter, shall, so far as so inconsistent, be a null law. Article 8(2) is an extension of this invalidity of all laws made in derogation of fundamental rights. The courts of higher jurisdiction in Pakistan have always considered the judicial orders and precedents to be of the same force of law to the purposes of Article 8. The cases of PLD 1987 Karachi 225 and PLD 1990 SC 95 argue in favor of the suggestion that judicial action may be constitutionally reviewed on the ground of violation of fundamental rights guarantee with respect to the extinguishment of a right that is guaranteed under the constitution. To the degree that it functions as law and strips the freedom of association as guaranteed in Article 17, the 1993 Supreme Court order is therefore void under Article 8. The fact that university administrations as the organs of the state continue to enforce it is the constant unconstitutional action.

Article 25-A and the Admissions Affidavit

Article 25(1) of the Constitution contains: All citizens are equal before the law and have a right to equal protection of the law. Article 25(2) also forbids discrimination based on sex only. The effect of the student union ban is structurally discriminatory in a direct and plain meaning against Article 25 because even though teachers unions and employees unions at universities are lawful and entitled to take part in university governance, the students who form the largest single unit in any university are refused similar rights to organise and represent themselves. In PLD 1965 WP Lah 272 it was determined that equal protection of law means that people who are in situations of material similarity should be treated in a similar manner and that different treatment must have a rational nexus that has a rational nexus to the object that is to be achieved. There is no logical nexus between the subject of order on campus and the blanket denial of students (but not faculty members or administrative staff) the right of association. The discriminatory nature of the ban is again highlighted by the fact that the university administration is allowing student extracurricular societies based on discussion, drama, quiz and religious activities but not political organisation, an exception that has no solid constitutional basis.

International Human Rights Standards

On 23 June 2010, Pakistan ratified the International Covenant on Civil and Political Rights (ICCPR) and as such became bound to the provisions of Article 22 that recognizes the right to freedom of association and Article 25 that recognizes the right to engage in the affairs of the state. According to the General Comment No 25 (1996) of the UN Human Rights Committee, participation in the activities of the society is understood to include the civic and political activity on the institutional level, including the involvement of the students in the political activities. The UN Special Rapporteur on the rights to the freedom of the assembly and the rights to the association has explicitly mentioned that the student unions are the type of associations that are covered by the international law and must be given protection (A/HRC/20/27, para 56). Article 27 of the Vienna Convention on the Law of Treaties, to which Pakistan is a party, states that states have to fulfill their treaty commitments in good faith and they should not use domestic law as an excuse not to do so (Article 27). The ongoing application of the ban by the Supreme Court on the issue of 1993 by Pakistan is thus not in line with its ICCP accountabilities and makes Pakistan to be in violation of its international human rights obligations.

Statistical Analysis: Civic Participation and Institutional Representation

Student Representation Deficit

The elimination of student representation in university governing bodies including Syndicate, Senate, Academic Council, and Discipline Committee has created a deficit of structural representation which can be measured in terms of institutions. The table below briefly presents the make-up of a typical public university governing structure prior to the ban and after the ban in 1993, which shows how students were not included in the institutional decision-making process.

Table 1: Student Representation in University Governance Bodies Before and After the 1993 Ban

Governing Body	Student Seats (Pre-1992)	Student Seats (Post-1993)
University Syndicate	2–3 elected students	None (Abolished)
University Senate	4–6 elected students	None (Abolished)
Academic Council	2–4 elected students	None (Abolished)
Discipline Committee	1–2 elected students	None (Abolished)

Budget Review Process	Student voice included	No student input
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Comparative Civic Participation Metrics

The relationship between the participation of student unions and the wider civic involvement is revealed in the international surveys and comparative data. The table below provides a comparative data on key indicators in some of the jurisdictions based on data provided by the International IDEA, United Nations Development Programme (UNDP) Human Development Reports and the databases provided by the national electoral commissions.

Table 2: Comparative Civic Participation and Democratic Development Indicators (Sources: EIU Democracy Index 2023; UNDP Human Development Report 2023; International IDEA)

Country	Student Unions Legal?	Youth Voter Turnout (%)	Democracy Index Score (EIU 2023)	HDI Rank (2023)
United Kingdom	Yes (since 1994)	67%	8.28 (Full Democracy)	15
India	Yes (regulated)	58%	7.18 (Flawed Democracy)	134
United States	Yes (constitutionally)	50%	7.85 (Full Democracy)	20
Pakistan	No (banned since 1993)	28%	3.99 (Authoritarian)	164

Note: The correlation between the legal status of student unions, youth voter turnout, and democratic development indicators is illustrative rather than strictly causal. However, the data is consistent with the literature's finding that student political participation is a significant predictor of adult civic engagement and democratic health.

Major Student Unions in Pakistan: Historical Inventory

Table 3: Principal Student Organisations in Pakistan and Their Foundational Characteristics

Student Organisation	Year Founded	Political Affiliation / Character
Muslim Student Federation (MSF)	1937	Pakistan Muslim League; pre-independence
Islami Jamiat-e-Talaba (IJT)	1947	Jamaat-e-Islami; religious-political
National Student Federation (NSF)	1953	Left-progressive; independent
Democratic Students Federation	1950	Progressive-liberal
Baloch Student Council	1967	Ethnic-regional (Balochistan)
Pashtoon Student Council	1967	Ethnic-regional (Khyber Pakhtunkhwa)
Anjuman-e-Talaba-e-Islam	1969	Religious-Sunni
Imamia Student Organisation	1972	Religious-Shia
People's Student Federation (PSF)	1973	Pakistan People's Party
Muttahida Student Federation	1978	Muttahida Qaumi Movement
Insaf Student Federation (ISF)	2007	Pakistan Tehreek-e-Insaf

Conceptual Framework

The next framework visualizes the structural connections between the provisions of constitutional rights, the rights of the student union, the mechanisms of the judicial ban of 1993, and the consequences of the civic development and participation in democracy. The framework demonstrates the legal routes in which the ban contravenes the fundamental rights as well as normative relationships between the rights of student unions and the larger civic and democratic results.

CONSTITUTIONAL FRAMEWORK (ARTICLES 4, 17, 25, 25-A, 8)

STUDENT UNION RIGHTS

- Right to form associations (Art 17)
- Equality of citizens (Art 25)
- Right to education (Art 25-A)
- ICCPR Art 22 (Freedom of Association)

1993 JUDICIAL BAN (SCMR 1781)

- No legislative authority (ultra vires)
- Art 17(2) procedure not followed
- Disproportionate (all unions banned)
- Admissions affidavit = coerced waiver

CIVIC & DEMOCRATIC OUTCOMES

Negative (Current): Leadership deficit | Low youth civic engagement | Unaccountable university governance | ICCPR non-compliance

Positive (Proposed Reform): Restored constitutional rights | Elected student governance | Enhanced civic culture | International standards compliance

Figure 1: Conceptual Framework — Constitutional Rights, Judicial Ban, and Civic Outcomes

The framework shows that the ban of 1993 is an example of direct and legally unwarranted break in the chain of constitutional provisions linking the provisions of the fundamental rights with the positive civic performance. Legislation would not only serve the constitutional role of restoring student union rights but on the comparative evidence basis would create substantial positive externalities to the civic culture and democratic governance.

Impact and Legal Consequences

Elimination of Student Institutional Representation

The next effect of the 1993 ban is the most direct of them all, removing the students all the university governing bodies. Table 1 shows that students used to occupy elected positions in the Syndicate the highest executive organ, which deals with budget, property, contracts, staffing, and academic appointments, and in the Senate, Academic Council and Discipline Committee. The abolition of these seats has led to the creation of an institutional governance system where the most numerous constituencies within any university (students) lacks an actual representation or a voice in the process of making decisions that directly impact them.

Student absence in the Syndicate implies that even budgetary allocations such as scholarship funds, hostel facilities, laboratory resources as well as library expenditure are only decided by

administrators and faculty members whose interests might vary greatly compared to those of the student body. At the Discipline Committee, the lack of student representation produces a structurally biased accountability system: when a student is accused of a misconduct, the faculty and administrators alone will preside over his or her case, and when a faculty is accused of a misconduct against a student, the faculty will adjudicate over the case. This order cannot be reconciled with the doctrines of natural justice which Pakistani courts have expressed in a series of disciplinary proceedings cases.

Long-Term Effects on Political Participation

The three decades of political repression of students has had long term demonstrable consequences on the Pakistani civic culture. According to comparative data (Table 2), the youth voter turnout is relatively low in Pakistan (around 28 percent) as compared to other countries in the region (58 percent in India), although the same data suggest that the indicators of youth population and urban concentration are broadly similar. A lack of political training in campuses has been cited by political scientists, as contributing to the lack of participation in politics in Pakistan, including those who have participated in the analysis of the PILDAT (2012).

Traditionally, student unions were also used as a training ground of political leadership: Prime Minister Zulfikar Ali Bhutto, National Assembly members Javed Hashmi and Jahangir Badar, and other leading political leaders such as Altaf Hussain (founder of All Muhajir Student Federation during his time at Karachi University) all began their political careers by engaging in student unions. This silencing has closed an important process of democratic recruitment and political apprenticeship, and is one of a larger trend of political disengagement among young Pakistani which has long-term consequences on the quality of democratic governance.

Constitutional Distortion and Judicial Legitimacy

The systemic implications of the legitimacy of constitutional rule in Pakistan are also associated with the further implementation of the 1993 ban. When the Supreme Court, the very constitutional guardian of fundamental rights itself behaves in such a way that is a violation of those same rights, the judicial fulfillment of constitutional guarantees loses its credibility. The irony of the institution of apex rights protection committing a systematized violation of rights has been described by legal scholars as a trend in a larger pattern of judicial overreach that typified the Pakistani Supreme Court in the early 1990s.

Recommendations and Policy Implications

Legislative Framework for Student Unions

The law governing student unions is intimately connected to the law governing the labor unions and the collective agreements governing employees in the service sector. The legislation concerning student unions is closely related to the legislation concerning the labor unions, and the collective agreements concerning employees working in service sector. The first and the strongest constitutional solution to the prohibition of student unions is legislative action by the parliament. The Parliament being the highest law making body in Pakistan is under authority and within the constitutional right to enact a statute that (i) formally acknowledges the right of students to organise unions and to hold elections in educational institutions; (ii) creates a statutory framework which governs the activities of student union elections and the operations of student elected bodies; and (iii) gives student representation in university governing bodies. The Sindh Student Union Act 2022 of 25 February 2022, turning Sindh into the first province with a formally restored student union, provides a legislative model that must be followed on the federal level and emulated

in the rest of provinces. An ideal national student union legislation must include the following provisions: the provision of annual elections by secret ballot; the eligibility provisions that the candidates must be enrolled students in good academic standing; the code of conduct that prohibits violence and the peaceful conduct of election campaigns; the campaign spending limit (a figure of PKR 50,000 is in line with the Sindh model); the disqualification of non-enrolled students in campus election

Curative Petition Before the Supreme Court

This is the doctrine of curative petition, which is adopted by the Supreme Court of India in the case of *Rupa Ashok Hurra v Ashok Hurra* (2002), which is accessible as a mechanism under the jurisprudence of the superior courts in Pakistan and under which it is open to the petitioner to allege that gross miscarriage of justice has been committed and that the judgment has been rendered in breach of the principles of natural An appeal on the basis of its refusal to adhere to the Article 17(2) procedure, lack of legislative power, disproportionality, and contravening other Supreme Court case law on the boundaries of judicial legislation, a curative petition against the 1993 judgment that explicitly seeks to reverse and overturn the ban is a feasible judicial route.

Judicial Reform and Prospective Standards

In addition to the immediate solution of a lift on the ban of 1993, this article suggests that the Supreme Court of Pakistan should come up with future constitutional guidelines that would address the possible limit of the scope of the suo motu action under the Article 184(3) of the Constitution. Specifically, the Court is advised to uphold the fact that Article 184(3) jurisdiction may not be invoked to impose new limitations on fundamental rights without a legislative authority and that any order to restrict a constitutional right must be precisely proportionate and must be subject to the prescribed procedures provided by the Constitution in the said category of right. It is evident that the company has aligned with international standards in the context of the environmental impact.

Alignment with International Standards

Pakistan needs to make proactive efforts to ensure that its local legal order conforms to its obligations under the ICCPR, such as filing a report to the UN Human Rights Committee on the rights-incompatibility of the 1993 ban and undertaking a schedule by which it would repeal this ban. Interaction with the UN Special Rapporteur on Freedom of Association would be another accountability system and international exposure on reforming efforts.

Conclusion

This paper has based its argument on a methodical doctrinal study of the constitutional provisions and comparing them with international legal systems to argue that the prohibition on student union in Pakistan on the ground of a judgment of the Supreme Court of 1993 SCMR 1781 is essentially a systematic contravention of the constitutional rights of all Pakistani citizens as outlined in the Articles 4, 8, 17 and 25 of The decision was done without legislative power, contrary to the constitutional process set out in Article 17(2) suppressing associations, on disproportionate grounds and with an operation of essentially depriving the largest university constituency of institutions of governance measures. Its further application is also not in line with its international duties of the ICCPR by Pakistan. The comparative evaluation of the student unions system in the United Kingdom, India and the United States determines that formal political engagement of the students is a global constitutional standard, which is based on the basic freedoms of association, expression and democracy. The Sindh Student Union Act 2022 proves the fact that the legislative

revival of the rights of student unions in the regulated environment is feasible in practice in the Pakistani legal environment. The necessity of reform is hard to overestimate. Thirty years of repressed student political life have left the lack of youth civic participation, a systemic gap in university governance, and a continuing violation of constitutional rights. The constitutional requirement of Articles 17 and 25, of the rule of law which the judicial orders must follow the constitutional authority, and the international human rights imperatives all require one and the same answer the repeal of the ban of 1993 the enactment of a wholesome student union act and the restoration of the right of students in the university governance. They are the nation builders of the future, of which Jinnah knew his students of Pakistan are a part--a future to which their rights under the constitution of the country give them a right to make a share.

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