

TABLE OF CONTENTS

Table of Cases	X
Table of Statutes	xxvi
Foreword	xxviii
Professor Werner Menski	
Preface and Acknowledgements.....	xxxii
Abbreviations	xxxviii
Chapter One.....	1
Introduction: Judicial Activism in Perspective	
1.1 The wider context	
1.2 Focus and scope of the study	
1.3 The structure of the book	
1.4 A brief note on methodology	
Chapter Two	18
Dominant Legal Theories, Separation of Powers, and Judicial Activism: The Need for a New Approach	
2.1 Deficiencies of existing legal theories and jurisprudence	
2.2 Separation of powers and judicial activism: Conflict or congruence?	
2.3 Existing debates about the judicial role	
2.4 A new approach to legal theories, separation of powers and the judicial role	
Chapter Three	59
Judicial Activism in a Global Context	
3.1 Judicial activism in the USA and the UK	
3.2 Judicial activism in South Africa	
3.3 Judicial activism in India	
3.4 Judicial activism in Pakistan	

Chapter Four	94
Development of Constitutionalism and Judicial Activism in Bangladesh: A Critical Analysis	
4.1 The Constitution and the legal system of Bangladesh: The missing transformativeness	
4.2 The place of the judiciary under the Constitution	
4.3 Judicial activism in the formative years: <i>Kazi Mukhlesur Rahman</i> and the aborted seeds of activism	
4.4 Extra-constitutional regimes (1975-1990): Judicial abdication of responsibility	
4.5 The winds of judicial activism (1989): The basic structure doctrine	
4.6 After democratic restoration (1991-): People as a central focus?	
Chapter Five	139
Public Interest Judicial Activism in Bangladesh: Beyond Access to Justice	
5.1 The delayed birth of public interest litigation	
5.2 Public interest rights litigation: Measuring judicial activism	
5.3 <i>Suo motu</i> judicial intervention: Public interest at work	
5.4 Public interest constitutionalism litigation: The new public face of the judiciary	
5.5 Post-emergency public interest judicial activism	
5.6 The problems of PIL-based judicial activism in Bangladesh	
5.7 Fundamental rights and fundamental state policy principles: Bridging the divide	
Chapter Six	183
Judicial (In)activism during the 2007 Emergency	
6.1 Emergency and the Constitution of Bangladesh	
6.2 Emergency and the role of courts	
6.3 The 2007 Emergency in Bangladesh: Judicial passivity or submissivism?	
6.4 Judicial role during the 2007 Emergency: A critique	
6.5 Post-emergency new judicial activism	
Chapter Seven.....	206
Overcoming the Barriers of Judicial Agency: Changing Discourses of Remedial Expansion and Comparativism	
7.1 Factors retarding judicial activism	
7.2 Strategic factors that enhance judicial activism	
7.3 Comparativism as activism	

Chapter Eight.....	245
Conclusions: Towards Golden Mean Judicial Activism	
8.1 Summary of the findings	
8.2 Balanced and contextualised judicial activism	
8.3 Judicial activism in Bangladesh: The way forward	
Appendix	271
Bibliography	288
Index	345