



A REVIEW ON THE CONSEQUENCES OVER: ACHIEVING JUDICIAL INDEPENDENCE IN PAKISTAN

Miss. Naseem Akhtar
Department of Political Sciences
University of Balochistan
Quetta – Pakistan
zamali455@gmail.com

Dr. Adil Kasi
Department of Political Sciences
University of Balochistan
Quetta – Pakistan
adilkasi@yahoo.com

Dr. Qadir Khan
Department of Political Sciences
University of Balochistan
Quetta – Pakistan

ABSTRACT

Pakistan has complete its 75 years of independence and, so far, could not achieve many targets to lift the grace and status in the world. Its politics is all about individuals and influential groups benefits at the cost of coalition among the institutions of the state. During all this actions, the judiciary on many occasions became a party or victim instead of adopting a role of a mediator. It, sometimes pushed the judiciary into politics and sometime politicized the judicial actions. During Musharraf's regime the dormant independence activated under lawyers movement. It restored the lost image of the justice system. It couldn't stay permanently and short after that the judicial domain turned to weak status. The judicial review and administrative laws are the tools of the justice system and its proper use may ensure the 'independence' of it.

KEY WORDS: Martial Law Courts, judiciary independence, judicial review, revolutionary legality, Provisional Constitution.

INTRODUCTION

“A judiciary’s job is to interpret the law not to challenge the administration.”



Pakistan received a sound and fair justice system from British Government but she could not maintain that characteristic. Our Judicial System went through many vicissitudes. Specially the judiciary faced the bitter challenges during the military. Among all the hardest pressure exerted by firstly Gen. Zia and secondly by Musharraf. The different tools methods were formulated for the purpose including fresh oath of office, raise, compulsory leave or retirement and amendments relating the retirement age. The courts under the supervision of the Chief Justice Chaudhary the justice system faced the most problematic happenings and played an active role of secure he legal journey, not only the courts but overall the state systems and the government organs faced the consequences of the battle between the judiciary and the executives. Ever changing scenes of government office showed some times the presence of the courts on the back of the political players and on other events the command of executives the justice system.

The alignment between the courts and the executives, both the military and the civil, was reflected in the form of defaced constitution and the loss of fundamental right. This unstable judicial status result in the lack of public confidence in the judiciary. Under justice Chaudhary the judiciary stated regaining its lost strength with swift pace. The transformation of an obedient and complying behavior of apex court into an abrupt nimble department was not match able its own history of alignment with the other offices of the government. This exclusive status blocked the unconstitutional amendments through legal institution. The Courts' exclusive power is its original jurisdiction.

The early abrupt changes in the government planted and grew a culture to compel the courts for win political of the executives. On many occasions the courts coordinated with the executives, resulted in the constitutional violation and fundamental rights were effected. This role of support encouraged the unconstitutional repeatedly.

The weak role, although, was not constant but repeated. Its tendency, very often, was evinced towards its activism. Zia empowered himself under PCO, 1981, to condemn the decisions, the court from its power of legal review and even the law lords' termination. The establishment of parallel courts was his resenting step for the judiciary. On the same footage Musharraf adopted the policy of domineering the courts, but between both, the difference was the results of his oppressing policy of him motivated the judiciary to activate the wave for independent justice institute.

Internationally organized appraisals Pakistan ranks in the bottom on the basis of the quality justice system. The paucities within the courts, despite, the external facts is a hurdle in procuring vindicated status. The evaluation with the developed countries courts' system divulges that they strictly follow policies to preserve the prestige of the justice set up.

BYGONE OUTLOOK

First the concept of the judicial independence was established in England in 1701 in a result



of enactment of the 'Act of Settlement'. This law acknowledged the job security till the completion of tenure of High Court Judge and lord justices of appeal courts with the condition of good behavior during the period they clasp office. It also introduced a proper legal procedure for their removal from the job. While previously they were dependent on the desire of the executives for their existence in the office or removal from the service the act brought the compulsion by consensus between the two houses of the parliament an address to the Queen or king.

PAKISTAN LEGAL HISTORY

Struggle for Pakistan reflects one party dominance among the Indian Muslims. This status continued till the independence and even for a short period after the birth of the state. Latter the political issues arose and a number of parties came to the race for the office of the government. The entry of the first two Martial Laws followed by the failure of power transfer to elected parties. The series of abrupt changes and occurrence started in 1956, the year when elected members were ousted from the National Assembly. It diverted the political scenario towards the role and performance of the justice institute. It was the judiciary who validated the First Martial Law in a popular 'Dosso Case' and introduced the term 'revolutionary legality'. The legitimacy of military regime paved the way to form a constitution on contrary to the parliamentary system. This launched a tradition to pressurize the Courts by executives for winning desirable legal shields. During the third Martial Law the legal support was achieved under a doctrine of 'state necessity' in Nusrat Bhutto Case. The mutual facilitation between executive and the Courts earned a blotted reputation of the justice system.

Under the Constitution 1962, the power of writ petition was conferred on the Courts. It formed, eventually, the rule of procedural review. In the Constitution of 1973 the courts were empowered to challenge confinement to safe guard the fundamental rights. The policy to crunch the opponents was remained active equally under military or civil executives. During the first government of PPP led by Mr. Bhutto the Constitutional amendment shortened the judicial review jurisdictions of the courts. The judiciary remained strict to condemn the matter of unlawful arrest and detention to safeguard the rights of the citizens. Zia's government constrained the judiciary to recognize as valid step of his entrance to the office of the government. So the decision in Nusrat Bhutto Case resulted in a hindrance for acquiring and maintaining its independence status. The Court soon after that realized it and tended to challenge the government's steps supported by the Martial Law Courts and Tribunals working analogous to the Judiciary challenging its authority. Zia regime initiated steps in the shape of "Provisional Constitution Order 1981". It effected the Judicial System in the following ways:

- a. Precluded the adverse decision of the Courts.
- b. Judicial Review was banned.
- c. Empowered the Chief Martial Law Administration to remove the judges from their offices.



d. It was declared mandatory for the judges to take a fresh oath.

Those strict steps to tyrannize the judiciary had no previous example in the post independent history of the state. Even the government established fresh 'appellate courts'. For the purpose the Shariat Appellate Bench of the Supreme Court was created to probe into the cases with questions of religious matters. Thus the government strengthened itself under the shield of new courts. The Shariat Court espoused the procedures:

1. To review the bureaucratic action.
2. To align with the divine justice system in traduce by Islam.
3. Reshape the laws match able with the Islamic Laws.

Still the establishment of the Islamic Court System was not the guarantee to accomplish the dominance over the Courts because of Islam supports an independent judicial system and even keeps the executives under its control. Even these neither couldn't check the blunt and unconstitutional changes in the government not secured enough courage declare this type of governments invalidate. It continued to legitimize the unconstitutional governments, their action and even the violation of fundamental rights of the citizens. They introduced different legal terms to make the expectance of the executives' actions. The Chief Martial Laws, further, amended the constitutions and brought their desired frame work for constitutional change. The indulgent character adopted by the Court, boasted the strenuous demands of the politicians and executives to keep more authority in their hands. However the judiciary was supported by the Civil and military executives when it adopted the pattern of judicial review against the bureaucracy because the both wanted to curtail the power of the bureaucracy.

FIRST JUDICIAL ACTIVISIM MOVEMENT:

The system of elected government recovered after the end of Zia regimes but the weapon was still in the hands of the President in a form of dissolution of the legislature under the notorious Eighth Amendment to the Constitution Article 58(2)(b). The governments couldn't be stable and remained fail to complete their tenures. It led the democratic system towards the political musical chair. Throughout these democratic years the role of courts remained important as the dissolution of Assemblies was used to challenge in the Courts. The intrusion of the military into the office of the government couldn't be prevented and Musharraf got the control of the government. Including the Saifullah case in many others the Judgments of the Courts reflected the tendency towards its activism. One of such decisions was the permission was granted to the unregistered political parties to take part in the upcoming election under the result of the Supreme Court's jurisdiction in accordance with the Article 184(3). The decision eliminated the hurdle and enabled the PPP to contest election. The case decided by the Chief Justice Haleem became a stance for future cases. The Court went beyond and terminated the restriction by Zia of nonparty based election set up. In 1990s the judicial working mode was transformed from dormant to active one. In that decade the 58(2)(b) was testifies by the President Ishaq and Leghari and no anyone government of the most



popular parties could complete their tenure of five years. Out of three dissolved assemblies only one could be restored under the Courts decision. Any matter relating fundamental, if, arises the Supreme Court under Article 184(3) is authorized to take up the matter directly and decide to solve it and enforcement of the fundamental rights. Article 199 empowers it to govern the High Court's writ jurisdiction. The justice system up graded its status to take suo moto, the practice of launching Public Interest Litigation (PIL) and the procedure for "rolling review" in starting years of 1990s. The Court expanded the powers of the Judicial Commission to fix the acts of the governments and to scrutinize not only the socio-economic but even in the non-judicial zones.

The matter kept under Article 184(3), are the past of the original jurisdiction of the Courts. In the decade of 1990s along with the freedom of amass and association, the Supreme Court probed into the matters like the gender discrimination, the problems caused by administrators, questions relating the biasness of bureaucracy in their performance of public problems. Both the tools supported the effectiveness of the judiciary and restored the people's confidence in the Courts to some extent. On one side the judicial Independence is political separation from the Executives on the other side the separation from the bureaucracy matters a lot. Sindh High Court ordered to keep separate judiciary magistracy from the executive magistracy in 'Sharaf Faridi Case' the Supreme Court continued (up held) the decision. Further in bureaucratic sector the criminal trial was dictated the contradictory to the Constitution in 'Azizullah Case' the Supreme Court dealt with the question that the president for the judicial appointment is all in all or the consultation with the Chief Justice is vital. The Constitution, 1973, provides Articles 177 and 193, to make compulsory for the President to consult with the Chief Justice of the Supreme Court.

To acquire the dominant status of the institute Articles 177 and 193 are to be used for positive consequential, calculated and concurrence slants. The courts declaration clarified the President cannot reject/ignore the Chief Justice's recommend without specifying strong enough reasons for it. The Court made vowed the President's power of judicial appointments to the Prime Minister's advice too. The declaration of the Court discouraged the executives from being alterative with the tool used in the post to push the judiciary to a subordinate status. A bench as an alternate was provided by the Court in the absence of a constitutional provision to fill a vacancy in a Court.

The Supreme Court blocked the possibility for out of seniority promotion, as a chief justice of a High Court, of desired judges by the executives, through declaring:

1. the most senior judges of a High Court as the most eligible candidate for the office of a chief justice of a High Court.
2. An acting Chief Justice of a High Court was not be consulted for the appointments.
3. No judge of a High Court, without his own approval, will be transferred to the Federal Shariat Court.

Here the matter of appointment of the Chief Justice of Pakistan on the basis of seniority was not clarified.



CONSTITUTIONAL AMENDMENTS, BALANCE OF POWER AND THE JUDICIARY

Under the PML (N) government, set up the Election 1997, brought Thirteenth Amendment. It dismissed Article 58(2)(b) and empowered the prime minister to appoint the provincial governments. So the balance of power was shifted from the president to the prime minister. Thus the Prime Minister got the opportunity to take over the judicial independence. The both executives, prime minister and president, hence, came to the situation of “quasi-presidential situation. The Fourteenth Amendment provided great authority to PM. Enactment against the horse-trading and floor-crossing, safe guarded him from being a victim of any suspected vote of no confidence paved the way to dominance against the state institutes.

The courts had to safeguard the Constitution. The Amendment was challenged and the Supreme Court under the Chief Justice Shah, suspended the Amendment. It followed by the Prime Minister’s bitter remarks against the Court’s decision of suspending the Amendment and caused a contempt of the Court. The tension resulted in the siege of the Supreme Court. Already the elevation of Justice Shah to the office of the Chief Justice of Pakistan was challenged in the Supreme Court before a two members’ bench. This caused, ultimately the Court declared that the Chief Justice was not in accordance with the Constitutional seniority rules. The events rose the question against the cachet of the Judiciary and split occurred within the Court. The government established Special Courts to reduce the authority of the Judiciary. In a ‘Mehran Ali’ case the Supreme Court declared many provisions of Anti-Terrorism Act unlawful and avowed the all new established including Anti-Terrorism and other Special Courts were to work under the authority of the Supreme Court and were to work under the supervision of the High Court’s order.

A proclamation of an order under Article 23 (2) was made to suspend the power of judicial review in the emergency imposed due to the Indian nuclear tests in 1998. The Court validated the emergency but the suspension of the court’s authority relating judicial review and the fundamental rights were declared unlawful. In Sindh Province under Article 232 the central government brought a governor rule in 1999, the Court dismissed the provincial government and called the military to support the Civil authorities. The Court declared invalid the act of setting any courts beyond the supervision of the superior judiciary including the supreme and the High Courts of parallel to them and declared it against the Judicial Independence. To ensure eligibility criteria in the selection of the bureaucracy and of the law and order maintaining services, the Judiciary task aggressive shots in directorial laws.

Sound and clear proclamations were made by the judiciary challenging the serious rude use of military courts and anti-terrorism laws, harsh and third degree methods of police, the violation of the fundamental rights clothing as so called investigation pre-planned encounters and extra-judicial killings.



JUSTICE SYSTEM & MUSHARRAF

Burden on the Judiciary including the Supreme Courts of cases is also an issue. It causes a hurdle to regulate the individuals' rights. However the upper and affluent class of the society can purchase services of the law experts but the poor class, who are larger in number, suffers. Thus the lack of confidence in the judiciary is being caused. Despite all the hindrances the judiciary in the past, but the military coup in October, 1999, reversed the situation to the subordinate eras.

Musharraf imposed nothing new but the modified version of dictatorship and unconstitutional series or orders. It was Martial Law but undeclared, instead of the Chief Martial Law Administrator, he became the 'Chief Executive' for his office. A tension between Musharraf and the Judiciary occurred after taking over, to fit the constitution with his desired frame, he brought PCO and LFO. In 2000, the Supreme Court's act of accepting the military intervention, prompted the Chief Executive to take strict measures. Thus, once again the Judicial Independence' was threatened. PCO made obligatory for judges of the superior judiciary a new oath to ensure their stay in the office of the justice institute. The Supreme Court had thirteen judges in total and out of them six condemned to take oath under PCO and had to resign. Now the desired judges declared the desired judgments in 'Zafar Ali Shah' case and validated the Musharraf's action of stepping into the office of government symbolizing it as 'state necessity'. Further provided an opportunity to the regime to modify Constitution unlawfully. So he made enough changes to transmute the parliamentary system into a presidential form. However one achievement of the Court could happen and that was to coerce the military regime for general election before end the three years since its intervention. The changes introduced even in federal system. The dominance, authority and powers of the judiciary were clipped. Along with many other changes under LFO, Musharraf gave life again to Article 58(2) (b) and empowered himself to dissolve the assemblies on his desire. Under LFO, besides many other unlawful action the Chief Executive stopped the two major political parties from querying the election 2002. It paved the way for PML-Q to join the CE and to enter the office of the government. The Legal Framework Order introduced two more things contradictory to the Constitution, one was the Seventeenth Amendment and second was the dual office (President and the Army Chief) at the same time. The Court validated the 'dual office'. During the first a few years of his regime, the courts followed the passage of obedience likewise the earlier military regimes, but aftermath it diverted to deal with some sensitive issues under the Chief Justice Chaudhary Iftikhar. He was elevated to the office of the Chief Justice of Pakistan with the quite possibility of eight plus year's tenure. Although he took the oath in accordance of PCO even he set in motion many belligerent steps challenging the dominance of the Chief Executive over the justice institute.

In the mid of the first decade of the 21st century the venture for the independence of the justice system entered into the agile face. On one side the lawyers movement implanted the



activism on the other side the initiated judiciary to probe into the matters and cases challenging for the military regime. It included the unlawful detention and issue of the people passed from sight. The act of the court, however, couldn't solve the cases because of the officials couldn't be forced to be presented in front of the court but it caused jitter among the segments of Musharraf's regime. It provoked Musharraf to move a reference of misconduct against Pakistan Justice Iftikhar, before the Supreme Judicial Council and resulted in the suspension of the Chief Justice.

JUDICIAL INDEPENDENCE IN PRACTICAL PHASE

The Lawyers Movement' launched under the Bar Associations to check the political hindrance to restore the expelled the Chief Justice. The struggle compelled the executive to restore the Chief Justice Chaudhry in March 2009, by taking step like long March. However the tension between the Justice Chaudhary and the political government remained constant. The courts role was extended to displace from mediator between the politicians now the tussle began between the executive and the institute of justice and altercation was prolonged between the both. Under Swiss case the matters of money-laundering and corruption opened a new chapter of tussle between them. To resolve the issues and hurdles the politician found the solution in the form of NRO. The Superior Court nullified NRO. It resulted in engaging the Court on the judicial appointment matters and the action relating NRO, on the other hand, was politicized.

The Eighteenth Amendment was aiming at the removal of the changes brought to the Constitution by Musharraf. It also empowered the Federal Executive relating the provincial affairs, caused by the removal of 'Concurrent List'. Relating the Judiciary it brought fresh rights in connection of translucent trials and brought deep vicissitudes to the justice system appointments by creating the Judicial Commission and Parliamentary Committee. The change was challenged before the Supreme Court owing for instigating to diminishing the judicial independence and transmuted utterly the constitutional part relating the judiciary. It also minimalized the role of the Chief Justice of Pakistan because he was now to give nominations to the Judicial Commission and Parliamentary Committee and they can condemn the nominees. However the Nineteenth Amendment resolved the objection by increasing the role of the judges in the Judicial Commission. In accordance with the court's declaration, in case of refusal of a nominee approved by the Judicial Commission already, the Parliamentary Committee was required to specify the reasons for that act of rejection. Regarding NRO, the then Prime Minister on the charge of 'contempt of the Court' was disqualified and didn't follow the declaration of the Court in NRO. The Supreme Court's other decisions in a number of cases were not pleasant for the government. This resentment brought an accusation for the Court of being biased.

After the fresh elections the retirement of Justice Chaudhry turned the judicial role back to its conventional character in post-independence era.

STRENGTHENING JUDICIAL AUTHORITY



The unpleasant situation between the elected government and the Courts exposed to media and public. So the issue was discussed from different angles including an exigency of the NRO's validity and its implementation with the disqualification of the PM. Further the matter was boasted because of the cases like the Court's consideration of FIA instead of NAB in several cases initiated by *Suo moto* under the original jurisdiction. The Court even appointed commission comprising the judges and the bureaucrats met the trust criteria of the Court to investigate the realities relating the corruption matters of ministers. All these steps of the Judiciary immersed the problem between the justice system and the executives, agencies and the bureaucracy.

Besides all the cases the Court under Justice Choudhry declared unconstitutional the appointments of Chairman Oil and Gas Regulatory Authority (OGRA) President NBP and Chairman Securities and Exchange Commission of Pakistan. In all these the *Suo moto* actions of the Court pushed the judiciary in the political economy and imposed effect on state economic magisterial process. The Court somehow un-cuffed the domains like the promotions, appointment and transfers from the clutches of the executives.

The active struggle for judicial independence strengthened the courts enough to fix the authority of police against illegal confinement. The judiciary presented the example of its skills contradictory of its previous role. The Supreme Court expounded Article 184(3) for its implementation from two angles one is where the question of individual's basic rights and other is of public importance. After the Choudhry the Court's reversed, gradually, to back fort from the frequent *Suo moto* powers.

The scope of judicial independence is not merely, confined to any specific areas of the judicial system but it expands up to the free decision making security of law lords individually and collectively, courts' procedures under fair and sound law aegis, particularly, in political and public interest questions containing cases. The matter does not ends here, it effects the administrative aspect of the justice system too. The elevations, appointments and transfer in the apex courts remained target of the other government organs. These administrative aspects are remained tools to coin the methods to influence the functional areas of the judiciary and damaged, not only, the judicial reputation gravely but blocked the passage to achieve the independence.

One more peculiar dimension of its independence lies in the fact that to secure its liberty is vital to keep the other government's departments out of unlawful interference of the law lords. Still it does not mean to undermine the authority of the courts as it is required to safeguard the Constitution.

COURTS VS COINED STRATAGEMS

Since the independence the judiciary, on different occasions could not resist and remained



failed to check the extra-constitutional steps of the non-democratic governments. Among all Musharraf government, more than others, tried to push the judiciary to the acquiescent status. It generated the need of restoration of the institute of justice to a justified standard. To get rid of Political/Executives influence and a sound based justice. The procedural developments in the judges' appointments promotion or removal is not adequate for the sound independent basis. The rebuilding of the judicial confidence on one hand and the public confidence in the justice institute on the other hand is the core importance. The sincerity of the government to ensure the zero interference in the institution of judiciary and implementation of the rule of law in accordance with the legislation. It's not only the executives but the judiciary itself a role of supporter for illegitimacy of the governments, very often, since 1955, in the form of providing legal shield for illegal tasks. Such a political behavior of many law lords appeared in the loss of the courts credibility. The judicial powers, particularly were clutched by the military rulers. They coined a number of tactics to lessen the potential of the institute. For the purpose they used the promotions, appointment, removal, fresh oath and change in the retirement age as tools and remained challenging for the courts to prevent their liberty. Desire for unlawful command over the institute provoked the executives to keep the judges under their control Musharraf brought PCO (Provisional Constitutional Order) and demanded oath accordingly. The refusal and reluctance from taking oath was accompanied with the possibility of their removal or compulsory retirement. Moreover he conformation of heir sea and position was, deliberately kept linger on to avail option of their removal and replacement any time. One more aspect of the issue is Judicial-Political allies firstly to fill the main judicial positions, secondly to implement the executives' desires in the form of Chief Justices' orders in a case where executive is a party. This situation led the courts to decide in the favor of an executive however. In addition the authority of Supreme Court tries to be used by the executives. Even the selection of the Chief Election Commission aiming at influence for the anticipated election results and to block the impartiality in the democratic system.

On many occasion in a number of specific areas, government established parallel justice systems to reduce the jurisdiction of the regular law system. Anti-terrorism Courts set up in 1997 and 1999 respectively are the instance of the governments' acts procedural shortcuts brought the behavioral activeness.

The tendency to fill the key posts to deal the cases of the executives interests the submissive personalities were preferred. This fact caused disappointment among the law officers and all others who had expectations of impartiality and justice. Through this kind of control the hold was expanded to the appointment of Chief Election Commission and beyond that to the fair election results. Above all it suppressed the judiciary to adopt a compromising role. This acceptance for the political deception, expanded the corruption up to all the sphere of the government including the finance. Commotion occurred among the superior law squires shook the complete structure of the system including the fault crept into the subordinate judiciary in the shape of reforms. It resulted in unnecessarily tormenting delay in deciding ever tranquil cases. That further, injured the public confidence.



A huge difference of opinion is found in answer of the questions relating the judicial independence. So for no specific definition worldwide could be coined to set a standard. Despite the fact many criteria are set on their own to specify a healthy and independent role of the institute of justice. To adopt this role a number of principles are formed. Unfortunately, Pakistan could not meet the various segments of the liberal justice system out of those principles.

In an assessment in Nov.' 2021, from this region six countries were included to the list of supremacy of law. Pakistan was the second last among them. The results reflected that the people seeking justice in different cases are suffering in the spheres of partiality unaffordable expenditures, unnecessary adjournment and above all a proper implementation of the courts judgments. All these matters are linked with the judiciary directly and reflects in its recital. The constitutional supremacy, defined by UNO, provides surely of a judiciary free from any influence but with the condition of veneration for state law.

A need and demand for both remained the part of the political journey since the birth of Pakistan. The demand was to pay heed in the form of the Constitution 1973, Further 18th and 19th amendments consolidated the autonomy of the loftier Court. Yet all these steps could not resolve the problems. Actually the matter of the institutional independence may be resolved by the factual implementation of the laws and a culture of respect for its domain is required to be cultivated and flourished. Merely the trumpet for this is not sufficient. The present ground reality is that the domain of the apex judiciary is interfered very often. The most earnest matters in this affection are transparency in appointments/elevation delay in the judgments of the cases, formation of benches and allocation cases to the benches etc.

Reforms like 'Red Cause List' and 'model trial courts' although, are of great importance but still are insufficient. Even the preferences in solving the same case on different pattern and in different duration as is could not be eliminated, so far, preferences in deciding the case on the basis of its national and public interest legal behind not only in the courts but the Supreme Judicial Council even, noticed for solving fresh cases instead of the previous and pending cases.

According to the views by Justice Baqir Ali, on an occasion arranged by the Bar Association of Sindh Wing Court, Pakistan's Judiciary is having both type of interference internal and external, he urged to set it free from the Executives' pressures. The authority of all the three organs, particularly the judiciary is not dependent only on the separation from one another but the justice system requires internal and external autonomy in conformity with law to prevent it from losing the public trust.

Internally it is deeply effected when an including and excluding in a bench, relating some particularly cases, occurs. So to ensure the judicial independence the concept requires a broader and deeper probe into the system. Implementation of the rule of law neutral decision making,



efficient performance minimizing the cases solving duration and the potential to resist against the political pressures are the vital components to handle the hurdles against the independent of the state justice system/institute.

On the basis of a report by International Crisis Group the judiciary of Pakistan remained unsuccessful in some specific areas and the fundamental right. In Pakistan the unconstitutional government, got success, whenever they approached the superior judiciary to legitimize themselves and the courts could not resist against the unlawful amendments to the constitutions.

In the presence of a permanent system of justice, “the Federal Shariat Court” was established by General Zia aiming at the Islamization. The Court curtailed the powers of the superior Court of Pakistan. The executives’ influence was increased as its judges were to be appointed by the executives. It also was empowered to perform as “Qazi Legislative Powers”. Non democratic Governments to keep light hold over power maneuver ways to weaken the powers of the justice institute. Among the steps were taken by Musharraf Government the following were significant:-

1. Dismissal of the Chief Justice Chaudhary Iftikhar.
2. Brought the very deep changes to the Constitution and lessen the effectiveness of the parliamentary democratic system. As a result the need of an independent judiciary was felt strongly to enable the rule of law.
3. So the restoration of Justice Chaudhary was occurred under the Supreme Court decision. The mode of appointment of the judges was amended and the Judicial Commission was empowered for the purpose. The appointments of the retired judges by the executive increased its influencer over the courts.
4. Not the appointment of the retired law lords were restricted thus the interference through this channel was blocked.
5. To minimize the internal problems and weaknesses, the powers of the Chief Justice relating Judges’ transfer and elevations and allocation of cases were amended.
6. The Constitution 1973 provided Article 41 relating the President of the state and his powers relating appointments.
7. The constitution provided an autonomous justice institute and conferred upon it a status of the guard of the fundamental rights as well as the Constitution.
8. The Courts are responsible to resolve the constitutional and law relating issues and problems to ensure the supremacy of the Constitution. To guarantee all these tasks fairly its needs to be kept above the outer and inner influences. The autonomous status of it rests in the neutral judgment of cases.

The Constitution does not allow the dominance of any other organ of the government over the judiciary, but the ever changing scenario remained worked to prove that there was the executives’ dominance over it. Among the military regimes in Pakistan the most inflexible system occurred under Zia-ul-Haq. During that period he amended the Constitution and even the nature to reshape



it from the parliamentary system to the presidential form of government. To achieve his goals he kept the justice system under a strong clutches under the shield of Presidential Orders.

The next executive was Musharraf who kept interference in the judiciary. He went beyond all the constitutional barriers and used the tactics adopted by his precedents. He ousted the Chief Justice from his office unlawfully. From the courts' point of view it was a directly assault to the judicial credibility and autonomy. The executive's step was due to the probe into the pending and sensitive cases since long by Justice Chaudhary. A firm instance adopted by the lawyers and were joined by the people from the other spheres of life including the politicians. The act of Musharraf was catchphrase as unlawful, unreasonable, unconstitutional and severe misapplication of the power. The sensitivity of the issue caused a hot debate inside and outside the state. Thinkers, intellectuals, journalist lawyer and politicians spoke loud and condemned the act of Musharraf. All the burning situation aired the concept of the judicial freedom. So the support for justice Chaudhary transformed in a legal individuality Movement.

Corruption of the politicians was brought to the lime light in 'Panama Papers' in 2016, the situation proved the extreme lack of authority and could not endure the cases related to the matter for a whole year. However the decision by the Court in July 2017 directed the dismissal of Nawaz Shrif from the office of the Prime Minister. After ousting from the position from his supporters a criticism was evidenced claiming it as a baseless and prove less allegation. In the case of Ms Benazir's killing the Court verdict came after a long delay and drag of time. Secondly it could not fulfil the expectations of the masses.

All the transpiring deepened the feeling among the people that the justice system is not above all, on contrary it is subordinate status in the comparison of the exclusive. The desire for the due status of the courts and incredibility in accordance with the international standards is still unreachable gal in the country. A trust is required to be ensured that the court proceeding cannot be interference or influenced in any way.

JUDICIAL HIERARCHY

Some important set ups in the system are as:

ACTING JUDGES

Whenever an office of the Supreme Court falls vacant as or a judge, due to probing in any other case, not available to perform in some other case, an acting judge is to be appointed.

AD HOC

If for a case 'quorum' is beyond the number of regular adjudicators then the dearth is to be made up with the ad hoc law lord appointment. For the purpose, as per rule the retired judge, it he did not exceeded three years since his retirement is to be requested to join the office of the Supreme Court Judges, but with the prior approval of the president. In case of an Ad hoc judge from a High Court, who meet the criteria for appointment as a judge of the Supreme Court, with the consent of the concerned High Court is the part of the vital process for appointing an ad hoc judge.

SEAT OF SUPREME COURT



Besides the permanent seat at Islamabad the Supreme Court can, wherever it's needed, sit anywhere but with the prior consent of the President.

COMPULSORY LEGALISTIC POWERS

Unlike any other court the Supreme Court has the power of jurisdiction in the conflicts between two or among more provincial governments or Federal vs. Provincial governments. The Supreme Court in these cases may only enunciate judgments. If the question of fundamental rights or of public importance, the Supreme Court has the power to issue an order in accordance with Article 199, to safeguard the conditional fundamental rights.

APPELLATE JURISDICTION

THE Supreme Court is empowered to hear and decide cases of appeal against the decrees, order or sentences by the lower court (High Court) in the following condition:

1. If judgment is reversed or set aside in a result of an appeal against the order of death sentence or life imprisonment; or intensified the previous sentence.
2. If an under trial case in any subordinate court and sentenced the accused.
3. or a sentence for contempt of court.
4. where the disputed amount is not less than fifty thousand.
5. Cases relating claim relating properties.
6. Question of the constitutional interpretation.

ADVISORY JURISDICTION

Whenever on the constitutional matters, if president desires to know the opinion of the Supreme Court.

The Supreme Court has the authority to shift an under proceeding case from one high court to another.

JUDGMENT REVIEW POWERS

The Supreme Court has the authority to review any Act or its provisions made by the legislature or any judgment made of courts or any order.

COURT BOUND

No other courts of Pakistan may go beyond the order passed by the Supreme Court.

ACTION IN AID

All the segments of the government including the executives are required to act in aid of the Supreme Court.

PROCEDURAL RULES

The Supreme Court has the powers to make any rules relating all the Courts procedures to regulate the system.



HIGH COURTS

As by law a high court is supervised by a chief justice and many other judges, their number can be as many as fixed by the law or decided by the President.

APPOINTMENTS

The appointment of the judges is the authority of the President with the consultation of:

- The Chief Justice of Pakistan.
- The governor of the concerned province.
- The Chief Justice of the relevant High Court.

In case of the appointment of the Chief Justice of a High Court, the President will consult with the Chief Justice of Pakistan.

REASONS OF INELEGIBILITIES

If a candidate is not the citizen of Pakistan.

If he didn't reach the age of forty.

If he didn't work as an advocate in High Courts' for at least 10 years or

If he didn't work as a civil officer prescribed by law for minimum ten years or

If he/she didn't work at least for three years as a 'District Judge' in the State.

If didn't serve in as a Judicial Officer not for the required minimum duration of ten years for the purpose.

OATH

At eve of taking the charge of the office a Chief Justice of any High Court will take an oath before the Governor of the concerned Province, while all other judges will take oath before the Chief Justice of the relevant High Court.

RETIREMENT

The age of retirement for the High Courts' judges is sixty two years, but during their tenure they may resign whenever they desire so. They may be removed from the office according to the procedure provided in the Constitution.

ACTING CHIEF JUSTICE

If the office of the Chief Justice of any High Court becomes vacant, an acting Chief Justice can be appointed. He can be either from the same High Court or from the Supreme Court. The President has the authority to appoint or ask a judge to perform as an acting Chief Justice.

ADDITIONAL JUDGES

If for any reason, the number of the High Court Judges is required to increase or an office of a judge falls vacant due to absence of a judge. So the president can appoint an additional judge as provided in Article 193 clause (1). The appointment criteria is same as for a judge of the High



Court. His tenure is to be determined by the President or otherwise if provided by the law.

SEATS OF HIGH COURT

The permanent seats of the High Courts are known as principal seats, while its benches may hold proceedings anywhere within the boundaries of the state for territorial jurisdiction. The number of the bench member may be determined as specified in the Constitution. The Lahore High Court has its benches at Bahawalpur, Multan and Rawalpindi. The Sind High Court has a Bench at Sukkur. The KPK High Court Benches at Abbottabad and Dera Ismail Khan. The Balochistan High Court bench set up at SIBI.

Further, the Governor of a province is authorized to establish a bench of his province high court at any other place, as a result of the instruction of the Cabinet and with the consultation with the Chief Justice of the concerned High Court's Chief Justice. The benches, either may be permanent or temporary. Its judges are to be nominated by the Chief Justice of the same High Court and shall perform for the period not less than one year. Rules like jurisdiction area and matters for proceedings shall be determined by the Governor along with the consultation of the Chief Justice.

HIGH COURTS' JURISDICTION

To solve a matter, if there is no other solution by law, than it is provided that:-

- i. It may proceed and declare a judgment on the basis of a plea by the aggrieved party.
- ii. It may direct a person working within its jurisdiction area even functioning within Federation's affairs.
- iii. The HCs are authorized to do or to stop or to desist from an act.
- iv. It is authorized done within its territorial jurisdiction area by any person or even he/she is functioning in connection with the Federal affair.

It has the power to give an order:

- i. To produce a person in the High Court who is in custody within its territory of jurisdiction.
- ii. To a person holding any office and position within area under its jurisdiction, to satisfy the Court that under which law and authority he is doing so.
- iii. To safeguard the Fundamental Rights, the High Courts are empowered to pass an order to direct any individual or institute or even government to perform a function or to terminate the area of its jurisdiction.
- iv.

HIGH COURT JUDGES' TRANSFER

Alike the appointments the President is empowered to do so from one High Court to the other, but not without the consent of the judge going to be transferred. The President, in this regard, has to consult with the Chief Justice of Pakistan and the Chief Justices of both the High Courts. The consultation of the Chief Justices of the High Courts is not required if the transfer's duration



not more than two years.

JUSTICE FOR ALL

The 'World Justice Project's' report on the topic of compliance to the law, ranked Pakistan 130 out of 139 countries' list. Among the South Asian Countries Pakistan's status is on the list concerning the supremacy of law, while on the last number is Afghanistan. That is an alarming situation for the rule of law, the same report reflected the picture of criminal and civil cases and courts' performance, where our state got the below average position and her performance notch was just 0.35 in criminal cases with 108th position while in civil cases it goes further lower up to 0.40 and secured 124th rank.

The lack of impartiality of the justice institute and the law lords proved a core reason for the tarnished face of the system post independent history of the country shows the political like of the justice officials. The political role of the institute was stored since a case registered by the speaker of the first dismissed Assembly as "Maulvi Tamisuddin Case". After that the image of it went from bad to worse and derived the system to an untrustworthy and imbalanced in the eyes of the public.

This political behavior of the courts grossed a sever mutilation for the law system. Thus the Courts' were browbeaten repeatedly and equally either by the military and civil governments. They got their unlawful end easily by getting the Courts' approval.

MUSHARRAF REGIME

The invalid act of Gen. Musharraf were corroborated by the judiciary alike the Martial Law previously in the country. It remained the ground reality that no political inter cooperation could stay for long. The unconstitutional government of Musharraf was legitimized by the Supreme Court of Pakistan under the supervision of the Chief Justice Iftikhar M. Chaudhary latter the difference between the CJP and the Chief Executive arose. The story of legal framing of the unconstitutional military regimes were not new but repeated. Thus however this reiteration of cooperation and tension between the both central offices of the government cultivated general sentiments among the masses, for the courts' unfair and unreliable. Even for some individuals in the law offices is biased.

IMPACT OF POLICE EXPLORATION

The Judicial System is dependent on the investigation, evidence and findings by the police department, ironically the performance of this department is at pathetic stage. Unfair procedures, political affiliations, brutal ways of investigation and removal and replacement of facts is not only a blot on the face of the department but it also hinders the courts from making justice. The political



affiliations create blemishes on the investigating procedure and countless loop holes to spoil the justice system. It encourage the criminals to flee from punishment after committing crime as a result mostly innocent are subjected to punishments for what they never committed.

It indicates the orifices in the system blotted the face of equity. Despite the malfunction of the system both for and against opinions are present in the society relating the justice.

DEARTH OF IMPARTALITY

On different occasions many segments of the society claimed about the partial attitude of judges. For this speech of a former judge of Islamabad High Court Shaukat Aziz in July 2018 at Rawalpindi Bar is an instance. Many political parties from time to time claimed the biasness of the law lords. In a number of super sensitive political cases the findings of the courts could bring no truth to the limelight resulted in the distrust of the people.

The flaws of the system can be assessed by examine that ex-President Musharraf in 2019, was sentenced death for the denunciation of betrayal under Article 6, but already the Supreme Court allowed him to leave the country in 2016. The punishment could not be implemented due to his absence from the country. Further even in nonpolitical cases many weakness can be found in the case proceedings and timings or delay for instance a person detained in prison for six years for a stealing coriander of Rs. 1000/-

DEAD SLOW COURT PROCEDURE

Among all other reason for distrust in the judiciary, its slow proceedings are also a reason. It is a fact that after a specific duration any case loses its importance and ever fair decision cannot cure the grievances. Among all other reasons for distrust in the judiciary, its slow proceedings are also a reason. It is a fact that after a specific duration any case loses its importance and ever fair decision cannot cure the grievances.

CRIMINAL EQUITY SYSTEM

Many traditional punishments trilled on 'Jirga' level although are cruel and inhuman but still are prevailed and it proves that a parallel system to decide disputes among people, is prevailed 'Wani' 'Karokari' prevailed in Sindh region. Thus the parallel justice system challenges the judicial independence. However the Federal Shariat Court declared these punishments unlawful but so for it couldn't be controlled.

WEAKNESS AND FLAWS

Among the other weaknesses of the justice setup, expenses throughout proceedings, long duration to settle the disputes provide further the way to spoil the case technically. It is ironic that



the technical aspects are given preferences against the facts. The unavailability of equity set up has three exceptional aspects motivates for research on judiciary. Among these factors one is a frequent practice of the government to interfere in the Court and kept trying to get the decisions of their own choice. Secondly the stages of judicial-executive coordination and coalition. The third face is related to the judicial independence campaign during Musharraf's period.

However since 1947 till now the judiciary could not win its permanent dominance and required space of jurisdiction in accordance with law on some occasions the new appointed judges provide the legal support or some time for winning the some type of support government appointed or re-oath them. As the courts 'independence' has not any specific definition, so different dealt is in different style. An independent status cannot be secured by one type of act but it is rooted at same the many things like mode of appointment and elevation, the removal procedure, tenure and retirement to keep check on legislation to supporting rule of law, to guard constitution, and the conflict resolution on both political and nonpolitical level.

Many countries take different steps to ensure the judicial Independence. This independence has two aspects one is the 'institutional' and the second is 'decisional'. The first one is correlated to its separation from the other two organs of the governments executive and legislative. While the functional impartiality means the decisions should be above any outer and inner pressures. Further the expertise of Judges can make possible to keep the proceeding far from the excess of political or media segments. Thus an atmosphere can be developed to do fact based decision in accordance with law.

In post 1997 years Hong Kong returned to China since than the independence of the justice system on same lines as in the Constitution of English Common Law is made the past of the state constitutional document.

During the era of monarch of UK Norman, the judicial powers were in the hands of him (Norman) and his 'Curia Reqid'. This influence was reduced in fifteenth century. However still the king has power to remove the judges from the courts. An opposing behavior by some social sections remained against the king dominance over courts after the removal of Stuarts in the result of huge revolution in 1688. Ultimately, in 1701, the act of settlement was brought by King William III. Thus the judges were to work throughout their tenure. The parliament was given the authority to remove them in accordance with the constitution.

Although the British Constitution is unwritten but it provides two remarkable ways to safeguard the courts' independence. One is that Legislature is not authorized to give any remarks relating a case under proceedings in courts. Second is that the power is not conferred on the court to put the parliament members under a trial in some specific situations.

To reduce the political interference 'Reforms Act 2005' was brought to the Constitution. It



involves the senior members rather than the political executives. Further to enhance the courts' jurisdiction 'Tribal Courts Enforcement Act 2007', was introduced. A pay review body to ascertain the salaries for judges was instituted. Its task is to put forward suggestions to the government for the purpose. It is the part of the political tradition that the government approves these suggestions and completely implements. Their job security is ensured so, they can be retired, only, if they wish for it, otherwise, they completed up the age of retirement. Thus all these stops supported the system of justice to work as a self-governing body by enforcing its proficient ethical standards and its self-regulation discipline. At present the system is regulated by its bodies like Bar Council and Law Society. It will continue up to its own act of putting itself under the directions of the Legal Standards Board in accordance with the Legal Services Act 2007. According to the Act the Legal Standards Board will be comprising of non-lawyers.

In United States the Constitution Act III provides that Federal Courts are the organ of the Federal Government. The US President is authorized to appoint the judges of the federal courts plus the US Supreme Court with direction, approval of the US Senate. The salary, in accordance with the prestige of the office is not be reduced after once it is determined for all the courts' offices including the Supreme Court.

As far as the removal of the judges involves, the Constitution authorized the Congress. Further death, resignation and impeachment may cause vacant their office. So for the thirteen members could be ousted from the office of the courts through 'impeachment'. It is complicated and difficult procedure. The American President holds the command to appoint the judges of the Federal Judiciary but still he consults the American Bar Association to find the eligibility of candidates and that may be either 'well qualified', 'qualified', 'not qualified'.

In the American States Courts' independence is maintained but there are many different ways. Uniform method are not necessarily prevailed among the states. It varies in state or between and among the states. Some of them are elected instead of selection. Some were on partisan blot while in some other areas on the basis of non-partisan. There are also the adjudicators appointed by the state executives or legislature.

The judicial individuality is related, it reveals many further questions. For example 'from whom?' The answer deceptively is simple and that is 'from any outer or inner pressure', but the outer and inner pressures have a vast delineation ranging from the other organs of the government like executives and legislatures. Further media, the people's confidence, and politician's attitude and in the western countries 'pressure groups' causes the outer pressures. The internal pressures including the individuals' interests and demands of the seniors. All may prove the hurdles in the setup of a liberal justice system.

Now is the question of the impacts and results for which 'independence matters'. To eliminate the grievances of an oppressed person or a group, courts are required to make fair



decisions and adopt an unbiased behavior. It may be ensured only if judges decide a case on the basis of facts and avoidance instead of purely technical aspects. In the west the example of justice coded in the case between 'man and man' as it was done by a lord chancellor Lord Brougham in 19th century and in the recent pact year 2005, it was done between 'citizen and citizen' or 'citizen and state'.

During the 20th century the role of state was enhanced and the boundaries of the governments' functions expanded. The situation put the responsibility on the courts to keep the governments' functions within the barriers of law and safe guard citizens against any extra constitutional act of the government again public rights. So it included the matters between citizen and the state in the jurisdiction of judiciary.

Despite the main part is the role of the judges but without including some other factors the independence remains incomplete and unachieved. It demands something beyond that. Sometimes available evidences, even, cannot assure an independent judgment. For instance an appeal was presented in high court against a judgment made by the same (house of Lords) on the basis of the suspected effects on decision due to the member jurists was supported in his election campaign by the organization who is the party in the case. So even merely a possibility of partiality is suspected, may cause a loss of trust for a fair decision. Thus in this situation the justice rest in the formation of the panel of juries on the basis of nonalignment and impartiality without any interest in the case or parties, involved.

The law lords are not accountable to any body of a state for any step they carryout execute in discharge their responsibilities. They are protected from any prosecution and case against them for whatever their acts and words relating parties or spectators during the courts' sessions. It sometimes causes the feeling among the people that the Law Lords are above beyond the grip of law. However infect they are accountable to investigation office if the Lord Chief Justice or Lord Chancellor refers their name for recommending eligibility or removal from the office whenever they are suspected to be guilty in performing their duties impartially. In civil case between an individual and a state or an individual and an influential group or political body, a need of 'judicial independence' acquires a different shape of demand criteria. It involves indemnity of exemption of a judge from any partiality influence of state, executives and a powerful group/party. In this category of cases, internally, judges' own interests may block the path of fair decision. Any adverse comments by a judge may cause a damage to reputation of a government or a political body. It may results, sometimes in a pressure against a judge. The actual role of a jury is to keep from these pressures and to maintain impartiality is all about the vital judicial independence.

Media, in the present age attracts the attention of masses toward the cases of distinguished importance. These cases many be of political, show biz, peculiar crimes, matters of national interests, internal interests and many other. Very often this type of case involves threats and extensive security for judges hearing case. Thus the courts independence and fair judgment



becomes a very sensitive matter. On many occasions the courts decisions aggravate debate on different points. However to keep the proceedings secure from all these external pressures and to maintain law's constraint in a fragment of the courts independence.

In England and Wales in a Crown Court criminal trial instead of judges, decisions are made by the jury consisting of residents citizens formed on random based selection. A judge is authorize to decide a sentence if a defender is found guilty as a result of jury's findings. In this connection the judge is bound to provide the enacted strategy legislated by the parliament including the copious guidelines decided and published by the 'Sentencing Guidelines Council'.

The courts of appeal works in criminal division required to lay out the key factors on which the case was decided. A judge is also bound to the elaborate structure of a relevant sentences to apply while deciding a case. Both either sentenced person by appeal or attorney general may give a reference to the court of appeal to correct the decision if decision is not justified in accordance with crime. If sentence is harsh while the crime was not that much serious or if it is less intense where the offence is serious more than the conviction.

Not only in the criminal cases but the 'Court of Appeal' is authorized to make precise a decision of court. Further the judgment of the 'Appeal Court' can be presented to the Supreme Court if the law related points need a probe and relevance. The details reach to us through media in both civil and criminal cases are usually a meager part of actual story or facts. Despite the ostensive facts there may be diminish or irk situation effected the offence or culprits. These are vital to be examined when deciding a case. So law expertise are compulsory. Where a defender who already proved guilty to an offence by a court that in accordance with the instructions by the parliament is required to reduce the sentence properly. Hens the different aspects, technical things, law relating matters and fair consideration of all these leads towards a fair decision to secure trust of public.

The fact relating the significance of the justice system in dependence. In the connection oath of office required by judges aim at the impartiality while performing there functions. A conference of 20 common wealthy countries held in 1998, at 'Latimer House Buckinghamshire, UK' concluded a statement containing principles known as "the Latimer House Principles". It acknowledged the compulsion of oath for all judges in England and Wales at the line of taking the change of office. Principles relating independence of judiciary and the code of conducts for lawyer initiated in 1885 and 1990.

In 2003, further, development occurred, when a "judicial code of conduct" was set up under the title of the 'Bangalore Principles'. These were for the purpose to enhance support the UN's Basic Principles on the matter of independence in justice system, because it's essential to establish rule of law, to secure fundamental rights and a fair trial procedure. Despite the role of judges remain as a focal point to implement what is vital and to ensure a glorious example of



independence of system in the both types of cases either between individuals or institutions.

On regional level, in 1995, to strengthen the judicial institutes along with their independence a group of Asian Pacific Chief Justices approved a collective statute of standards for the purpose.

CONCLUSION

The congenital courts were sound based in efficiency and transparency. It were the executives who displaced the justice system from its justified status to earn their goals. The executives are not only responsible for this, but on many turning occasions individuals within the judiciary hailed them to avail inapt incentives. The executive's interruption in the courts' jurisdiction created problems, the courts through frequent use of Suo moto power, not only pushed the judiciary into the political matters, but effected the zone of the government's administrative matters too. Either the military or civil governments both were proved prejudiced toward the matter of the 'Courts Independence' keeping in view their personal desires for consolidating their powers. Without probing into the issues relating prolonged stay in the office of the government instability of democratic system, tampering with the Constitution through unlawful amendments and the political psychology of the leaders the judicial independence can remain hard to be won. When even the power went into the hands of military heads, frequent changes were made in the Constitution to push down the Courts to adopt an obedient character.

The civil governments were proved themselves not behind in the race to snatch the judicial domain. Against the dominance of the judiciary the most injurious weapons in the hand of the executives were judicial appointments, transfers, change in retirement, and elevation to superior court and, of course, demand for fresh oath too. The lack of liberty in the justice system heightens the debates for future of a sound democratic set up, demarcation of power boundaries among the government institutes and the firmness of the Supreme Court status as a custodian of the Constitution and the fundamental rights. The question of a health independency among the government organs as a hurdle or helpful is an important matter too for investigate thoroughly. The Burdon on the courts, delay in decisions, role of police relating the violation of fundamental rights in the name of investigation are the other aspects as hurdles to win 'judicial independence'.



REFERENCE

- Zhuravskaya, E., Brousseau, E., Duflo, E., Banerjee, A., Enikolopov, R., Robinson, J., Sigstad, H., Jia, R., Platteau, J.-P., Verdier, T., Guriev, S., Howell, W., Vanberg, G., Mani, A., Chen, D., Voigtlaender, N., Dippel, C., Giuliano, P., Piketty, T., ... Siddique, O. (2019). Working Papers / Documents de travail Judicial Independence and Development: Evidence from Pakistan Sultan Mehmood 1 Judicial Independence and Development: Evidence from Pakistan (Vol. 2020).
- Munir, B., Rafiq, M. W., Farhana, M., Rana, A., Muhammad, M., & Zia, H. (2020). THE WAR OF JUDICIAL INDEPENDENCE IN PAKISTAN: A CRITICAL ANALYSIS OF LEADING POLITICAL CASES Multicultural Education THE WAR OF JUDICIAL INDEPENDENCE IN PAKISTAN: A CRITICAL ANALYSIS OF LEADING POLITICAL CASES. <https://www.researchgate.net/publication/362209202>.
- Hussain, F. (1988). The Judicial System of Pakistan. Author, M., & Ghias, S. A. (2010). American bar Foundation Miscarriage of Chief Justice: Judicial Power and the Legal Complex in Pakistan under. In Source: Law & Social Inquiry (Vol. 35, Issue 4).
- Zhuravskaya, E., Brousseau, E., Duflo, E., Banerjee, A., Jia, R., Platteau, J.-P., Verdier, T., Guriev, S., Howell, W., Vanberg, G., Mani, A., Chen, D., Voigtlaender, N., Dippel, C., Giuliano, P., Piketty, T., Maskin, E., Enikolopov, R., Bharadwaj, P., Carugati, F. (2020). Judicial Independence and Development: Evidence from Pakistan.
- Independent Judiciary in Pakistan: A Hard-won Victory. (n.d.).
- Kaufman, I. R. (1980). The Essence of Judicial Independence. In Law Review (Vol. 80, Issue 4). Columbia Law Review Association, Inc.
- The-role-of-the-judiciary-in-protecting-the-rights-of-people. (n.d.).
- Irshad Ijaz, M. (2018). Improving the Judicial System of Pakistan: A Probe. International Journal of Scientific & Engineering Research, 9(2). <http://www.ijser.org>.
- THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN NATIONAL ASSEMBLY OF PAKISTAN. (n.d.).
-



Ahmed, S. (2015). Supremely Fallible? A Debate on Judicial Restraint and Activism in Pakistan. *ICL Journal*, 9(2), 213–239. <https://doi.org/10.1515/icl-2015-0205>