

## AN ANALYSIS OF THE ROLE OF JUDICIARY AND JUDICIAL INDEPENDENCE IN PAKISTAN

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### ABSTRACT

The institution of judiciary is the cornerstone of democracy. Judiciary is the guardian of Constitution. This article aims to provide insights into the evolution of judiciary in Pakistan. It will highlight the role and function of judiciary. With the help of an insignificant study of history and functioning of judiciary this article also aims to explore the judicial independence in the Pakistan. Judicial independence is the requisite of the rule of law. In this article a glimpse of historical background will help to have an in-depth and meticulous research on the judicial independence, role and functioning of judiciary in Pakistan. This article will highlight the role of judiciary in maintaining rule of law, rights of individuals and also the challenges faced by the judiciary in Pakistan. Moreover, it will proved a significant literature for further study in the area of political history of Pakistan.

**Keywords:** Judiciary, democracy, role, independence, requisite, challenges. Rule of law

### INTRODUCTION:

The judiciary is an essential element of the state, operating in cooperation with the executive and legislative. Over the course of a thousand years, the judicial system has seen substantial transformations and progress. The system had a series of incremental reforms and developments. (Barkatullah 2010). The Constitution is a fundamental document that serves for enacting laws and clearly defines the power and jurisdiction of each component of the government. After gaining independence in 1947, Pakistan adopted the Government of India Act of 1935, which led to the continuation of the British judicial system in Pakistan. The judicial framework has remained unchanged since the British era. The Federal Court of Pakistan was established in 1949 and later, in compliance with the 1956 Constitution, it was renamed as the Supreme Court of Pakistan. Chief Court of NWFP and the Judicial Commission's court of Baluchistan were promoted to the level of high courts in compliance with the rules outlined in the 1973 Constitution. The establishment of the Federal Shariat Court took place in 1980 under the

Constitution of 1973. The 1973 Constitution of Pakistan defines the range and structure and jurisdiction of the judiciary. The legal system comprises two main branches of the superior judiciary, namely the Supreme Court, high courts, and federal shariat courts, together with the subordinate judiciary, which encompasses special courts and administrative tribunals. The relationship between the judiciary and the legislative and executive in Pakistan has consistently faced obstacles and has never reached an ideal state. (Tabassum, 2021).

### LITERATURE REVIEW:

The literature on the judiciary and judicial independence in Pakistan highlights the intricate and ever-changing connection between judicial institutions and political forces. "A History of the Judiciary in Pakistan," authored by Hamid Khan, is an immensely important resource for comprehensively examining the judicial framework of Pakistan. Hamid primarily focuses on the judicial

system that was created during the British administration in Pakistan. This book explores the historical development of the judicial system in Pakistan during its early years and offers a thorough examination of the Constitutional progress and the fight for judicial independence in the country. Paula R. Newberg's book, *Judging the State: Courts and Constitutional politics in Pakistan*, offers a valuable and comprehensive examination of the judiciary's function within the political and Constitutional framework of the nation. This book focuses solely on the core Constitutional conflict in Pakistan. It emphasizes the court's duty to supervise both the military and civilian administration. Moreover, it offers a thorough analysis of the judicial efforts to defend the principles of the rule of law inside the nation. Hamid Khan's "Constitutional and Political History of Pakistan" is an exceptional literary work that offers a thorough analysis of every aspect of Pakistan's political and Constitutional history. This book examines the many stages of Pakistan's quest for political stability. This course offers a thorough comprehension of the pre-independence era, with a specific emphasis on the pivotal years when Pakistan struggled to establish a Constitution. Furthermore, it offers a comprehensive examination of the three Constitutions of Pakistan. The years 1956, 1962, and 1973. Hamid's book offers insightful viewpoints on the legal structure of Pakistan. He offers a comprehensive examination of the judiciary's function and autonomy within the political chronicles of Pakistan. Along with these books multiple primary and secondary sources including the Constitution of 1956, 1962 and 1973 of Pakistan, a wide range of well acknowledge articles are also employed by the researcher in this paper. The court's historical significance, landmark cases, and ongoing difficulties demonstrate its crucial role in upholding democratic norms. However, persistent issues like as corruption and political interference necessitate continuous efforts to enact comprehensive judicial reforms. Further empirical study on the judicial system of Pakistan might expand our comprehension and aid in formulating more effective methods to safeguard judicial independence. This literature review analyses prominent studies and research on the judiciary's function and the extent of its autonomy in Pakistan. This study centers on the chronological progression, significant legal precedents, challenges faced, and

ongoing endeavors to enhance the system.

#### **Historical Background:**

The Hindu era spans approximately three millennia, beginning in 1500 BC and ending in 1500 AD. There is a dearth of knowledge on the judicial system throughout the Hindu period. The material principally originates from a diverse range of sources, including ancient books such as Dharamshastra, Smiritis, and Arthashastra, as well as the academic enquiries conducted by historians and jurists. These records provide evidence of a clearly established legal system that was consistently adhered to during the Hindu era. The King possessed absolute authority in the administration of justice and thereafter assigned the responsibility of carrying out judicial tasks to others. Here, the judges provided him with aid in collaboration with his pastors and counsellors. He served as the ultimate judicial authority and the highest court of appeals. The Islamic era commenced on the Indian subcontinent around the 11th century A.D. The historical era may be distributed into two distinct phases: the early Muslim rulers who secured control over Delhi and other regions of India, and the subsequent Mughal emperors who succeeded them in 1526 A.D. The Mughal Period persisted until the late 1800s. Islamic law was adopted in Muslim nations to address issues related to both civil and criminal spheres. Nevertheless, normal societal norms and customs were frequently employed to tackle matters that were unrelated to religious beliefs (Khan, 2021).

**Origin and development of the judiciary in Pakistan:** The judicial system of Pakistan traces its origins back to the period of British colonial administration in the subcontinent. The judiciary played a crucial role as an essential institution in the colonial government of India. Prior to the division of the Indian subcontinent, the legal system in present-day Pakistan was significantly shaped by the British colonial administration. The British implemented a legal framework that included Indigenous customs alongside elements of English common law. This idea entails the establishment of superior courts in prominent urban areas and a system of subordinate tribunals. The Government of India Act of 1935 enacted the judicial system, ensuring a distinct division of authority between federal and provincial courts. When Pakistan gained independence on August 14, 1947, the Government of India Act 1935 and the Independence Act of 1947 continued to

administer the country. Independence Act of 1947 was passed by the British Parliament. Up to the country's adoption of a new Constitution in 1949, India was governed under the Government of India Act. The temporary Constitutional foundation for the newly constituted Governments of India and Pakistan was established by these two acts prior to the actual promulgation of their respective Constitutions in 1949 and 1956 (Munir, 2014). The judiciary was guaranteed independence to administer justice throughout the nation by the first Pakistani Constitution, which was ratified in 1956. A high court in East Pakistan and another in West Pakistan were part of the Supreme Court that constituted Pakistan's judicial system. Pakistan's President may appoint the Chief Justice of the Supreme Court in accordance with the 1956 Constitution's provisions. According to Khan (2021), the President is required to consult the Chief Justice before nominating additional justices to the Supreme Court. The passage of the new Constitution preserved the fundamental structure of the legal system, but also limited the upper courts' ability to interpret the law as well as the Constitution. Nominating judges to the higher courts is under the authority of the President of Pakistan. Although it limited the higher courts' ability to interpret the law and the Constitution, the new Constitution preserved the existing legal systems. The appointment of judges to the higher courts in Pakistan was under the realm of the President (Kazimi, 2009). In contrast to the 1956 and interim Constitutions, the 1962 Constitution did not grant the Supreme Court the authority to declare a piece of law unconstitutional on the grounds that it was not adopted by the legislature. Legality of legislation approved by the legislature is not assessed in any court during judicial review. Under Articles 57 and 58, the Supreme Court is empowered to decide cases involving individuals or businesses at both the federal and provincial levels of government, as well as conflicts between them. In the event that the High Courts have determined that a Constitutional analysis is required, both individuals and the Court are authorized to investigate the meaning or intent of the Constitution. With the 1963 passage of the first amendment to the Constitution, the Courts were given the authority to determine whether legislative actions were lawful (Khan, 2016). The Chief Justice of the Supreme Court of Pakistan is authorized by Article 129 of the Constitution to establish a special

tribunal to resolve disagreements between the federal and provincial governments as well as between two provinces and the federal government. For further action, the Pakistani President will get the findings from the Chief Justice. The 1973 Constitution keeps all of the previous two Constitutions' legislative provisions pertaining to the judiciary. A Supreme Court, a High Court for each Province, and any other courts that may be formed by legislation must be established in Pakistan, in accordance with Article 175, Section 1 of the 1973 Constitution. The Constitution and laws explicitly granting court's jurisdiction are the only sources of authority, as stated in Section 2 (The Constitution of Pakistan).

### **Structure, jurisdiction and Role of Judiciary:**

The judicial system of Pakistan has two principal classifications of courts: superior courts and subordinate courts. Criminal and civil courts are subordinate courts, whilst the Federal Shariat Court, the Supreme Court, and the High Court comprise the superior courts. The executive, legislative, and judicial departments of the state were each given specific divisions as their respective roles in the 1973 Constitution. A framework for ensuring balance and supervision between the several parts of government is established by the Constitution. The judiciary branch interprets the articles of the Constitution, while the legislative branch enacts legislation for the state. Court jurisdiction and functions are covered under Articles 184 through 194 of the 1973 Constitution. In order to defend the integrity of the Constitution and safeguard individual rights, the Supreme Court of Pakistan has the highest authority. (Saima, 2013).

### **Supreme Court:**

Pakistan as a federal has Supreme Court of Pakistan as the highest federal court. As far as Pakistan's judicial system is concerned, the Supreme Court has the ultimate authority. In all, sixteen justices are present, including one chief justice. One needs to be a citizen of Pakistan and have served as a judge for at least five years or as an attorney in a high court for at least fifteen years in order to be eligible to serve as a judge on the Supreme Court. He was present at the event other than the President, when the other justices of the Supreme Court took their oaths in front of the Chief Justice of Pakistan, prior to his appointment as the judiciary's chief. It is crucial to acknowledge that judges must retire at the age of 65.

(Annual Report, 2020). The President can choose an alternate judge to fill the position of chief justice and perform the duties and responsibilities of the highest ranking judge in Pakistan's judiciary in case the chief justice is not available. The President may short-term appoint a judge from a higher court if a justice of the Supreme Court is unable to carry out their responsibilities or if a position becomes available. Three essential roles are fulfilled by the Supreme Court: original, appellate, and advisory. It has three basic categories of jurisdiction. In cases involving disagreements between the federal and provincial governments, the Supreme Court has first jurisdiction. When it comes to reviewing and resolving appeals arising from decisions made by a superior court, the Supreme Court has appellate authority. The President may, at any time, ask the Supreme Court to rule on any legally significant issue that the public considers essential. The Supreme Court has the authority to review it at its discretion, and the President may submit it there for review (Hussain, 2015). The Supreme Court has the authority to provide orders and guidelines in order to ensure that justice is served in every instance, as stated in clause two of article 175. The highest court must get support from all judicial and political bodies. Rules governing the conduct and processes of the court may be established by the Supreme Court. (The 1973 Constitution).

### **High Court:**

In each province, the high court is the highest court of appeals. A high court is composed of several judges in addition to the President. Both criminal and civil appeals from district courts and lower courts fall under the Supreme Court's jurisdiction (Hussain, 2015). A person must be a citizen of Pakistan, have served in the civil service, have a minimum of ten years of experience as an advocate in a high court, or have held a judicial position for ten years in order to be eligible for a judge position in a Pakistani high court. The Governor oversees a formal swearing-in ceremony that must be attended by a candidate before they may become the Chief Justice of the High Court. The Chief Justice of the High Court must also administer a formal oath to each additional judge of the court. A high court judge serves for a term that lasts until they become sixty-two. The President may appoint a temporary high court judge or request assistance from a Supreme Court judge to serve as the acting high court chief justice in the event that the

Chief Justice of the high court is not present. The President can transfer a judge from a higher court to a different one. But only after having a consent of the judge and getting permission from the chief justice of the associated court may this process be executed (Barkatullah, 2010).

### **Federal Shariat Court:**

Interpreting and enforcing Islamic law at the federal level in Pakistan is the responsibility of the Federal Shariat Court. Pakistan's Federal Shariat Court was founded in 1980 by Zia al-Haq. Evaluating whether legislation adhere to Islamic principles is the primary goal of this establishment. Individuals nominated by the government make up the Federal Shariat Court, and they are all required to uphold the strict laws of Islam. A lawyer representing an individual before the Federal Shariat Court is obligated by Article 203 of the Constitution to follow Islamic law. The Federal Shariat Court may act independently, in response to a petition brought by a Pakistani national, or on behalf of the Federal or Provincial Governments, as stipulated by Article 203-D of the Constitution. Identifying any legislation or legal provisions that contradict the Islamic principles found in the Holy Quran and the Prophet Muhammad's (Peace be Upon Him) Sunnah is the main goal of this study project. Federal Shariat Court also has the power to hear arguments on any matter brought before the District and Sessions Judges that falls under the purview of the Hudood Act (Annual Report, 2020). Without the consent of the other court, the President and the Chief Justice of the pertinent court may designate a permanent judge from a higher court to the Federal Shariat Court unilaterally. Abusing its authority, this government frequently pushed the unbiased judiciary to the sidelines. Significant developments in Pakistan's judicial independence history have resulted from the Nasir Aslam Zahid case. The administration moved him to the Federal Shariat court because of his support for improving the legal system by upholding principles of justice. (Asian Report, 2008)

### **Subordinate Judiciary:**

The subordinate judiciary is typically separated into two divisions: criminal courts, which are regulated by the Code of Criminal Procedure of 1898, and civil courts, which were founded by the Civil Courts Ordinance of 1962. In addition, several courts and tribunals have been established in compliance with

specific laws to handle problems related to civil and criminal cases. The laws that created them provide a clear description of their authority and capabilities. Revision and appeal processes provide the higher judiciary with a means of contesting the decisions made by these courts (Hussain, 2015). In Pakistan, the district courts are lowest courts. Within their designated legal areas, these courts have the authority to decide civil cases. Every district court is presided over by a session judge. He participates in the hearing and evaluation of appeals from subordinate judges. It is the district judge's responsibility to administer justice in each of the courts inside a certain district (Tabassum, 2021).

#### **Appointments of Judges:**

Article 175A of the 1973 Constitution mandates that the Judicial Commission of Pakistan be in charge of choosing justices for the Supreme Court. The selection of judges follows a two-step procedure. Initially, the judicial committee appoints the judges. The list of proposed judges is then sent to the legislative committee so they may make a final determination about the nominations (Khan, 2021). Article 175A stipulates that the President may choose the most senior judge of the Supreme Court to be the Chief Justice of Pakistan. The appointment of justices to the Supreme Court is supervised by a judicial authority. The Chief Justice chairs the body, which is composed of the Federal Minister for Law and Justice, a former Chief Justice or Judge from the Pakistan Supreme Court, and the four most senior Supreme Court justices. The relevant person now serves as Pakistan's Attorney General and has a wealth of legal expertise before the Pakistani Supreme Court. According to clause two of article 175A, the committee responsible for selecting the judges of the high court will consist of the chief justice, the most senior judge on the court, the temporary minister for law, and an attorney with at least 15 years of experience in the high court. In the event that the chief justice of the high court is not present, a retired high court judge or a former chief justice will assume the role. As mentioned in paragraph two, clause two, the decision will be determined after consulting with the four high court judges with the greatest level of experience. The committee in charge of selecting the justices for the Islamabad High Court would be composed of the chief justice and the senior judge. The committee selecting the chief justice will not include the federal

shariat court's most seasoned judge. After receiving clearance from the judicial commission, the list of nominees is sent to the parliamentary committee. The administration and opposition are equally represented on the committee, which has eight members. The Pakistani legislature is used to choose the members. The Senate secretary will also be responsible for the committee secretary's responsibilities. After the parliamentary committee has had two weeks to consider and decide whether or not to adopt the plan, the report will be delivered to Pakistan's President and prime minister for final approval. If the parliamentary committee says no to the proposal, the prime minister will forward the matter to the commission. In this case, the judicial commission once again followed the same procedure for the appointment of judges (The 1973 Constitution).

#### **Supreme Judicial Commission:**

Establishing a system of accountability is essential to maintaining the independence of judiciary. The procedure for creating the Supreme Judicial Council is outlined in the Pakistani Constitution (Hussain, 2015). The Supreme judicial commission is composed of the most senior judges. The entity's main responsibility is to arbitrate matters that are brought before it. As head of the Supreme Judicial Council, the Chief Justice of Pakistan is joined by the two most experienced Supreme Court justices and the two most experienced Chief Justices of High Courts. The Registrar serves as the secretary of Pakistan's Supreme Court. When a matter is referred by the President or the Supreme Judicial Council initiates an independent enquiry, a comprehensive investigation is carried out, and the findings are brought to the President. If the Council finds that the judge is incompetent or has acted improperly, which warrants the judge's removal from office, the President has the power to order the judge's removal. Only certain situations and the established process may result in a judge's removal from office (The Asian Report, 2008).

#### **Doctrine of Necessity:**

The Doctrine of Necessity is a legal theory that allows conventional procedures to be suspended when acting swiftly is necessary to protect the greater good. The Doctrine of Necessity has been used four times since Pakistan's formation in 1947, resulting in times when the military ruled the country. The

highest courts in the nation have given military rulers the right to govern on the basis of the "Doctrine of Necessity" or the "Law of Necessity." The goal of these court-approved legal theories is to provide legitimacy and legal safeguards to a despot who acts outside the boundaries of the Constitution. A military coup frequently results under this government. This tactic was initially employed by the Pakistani Supreme Court to defend Governor General Mirza Ghulam Muhammad's abuse of emergency powers beyond the purview of the Constitution. The higher courts of Pakistan have for years used the same justifications to support successive military regimes. On October 24, 1954, the Federal Court used the "Doctrine of Necessity" to uphold Governor General Muhammad's decision to oust the elected government and dissolve the Constituent Assembly. Significant decisions made by higher courts in Pakistan's legal history have supported actions that go beyond the law, such as overthrowing elected governments and dissolving elected legislatures. These activities were considered acceptable due to their intended goal of restoring order or safeguarding the nation's security (Khan, 2021).

#### **Judicial Independence:**

The term "judicial independence" describes the independence and latitude the court has in reaching decisions free from the influence or intervention of executive and other organizations. Maintaining the supremacy of legal principles and guaranteeing the equitable and unbiased administration of justice to all individuals on a larger scale depend on judicial autonomy (Fatima, 2022). The ability of the court to make judgements on its own, free from outside interference or influence, is known as judicial independence. It means that all of the court's decisions must be grounded on the law (Farooq, 2016). Judges have a duty to follow the rules and laws before they may rule on any legal subject. Pakistan's legal history is full of examples where political pressure has restricted the independence of the judiciary. Martial law has been imposed several times throughout Pakistan's history. The functioning and autonomy of the court in Pakistan have been significantly impacted by the implementation of martial laws (Khan, 2016). The Legal Framework Order of 1970 was put into effect by General Yahya's regime during Ayyub Khan's reign, which diminished the court's power. Pakistan's judicial system was significantly impacted by the 2002 Legal

Framework Order of General Pervaiz Musharraf (Khan, 2009). The 1973 Constitution's Article 2(a), Clause 3 protects the separation of powers between the court and the other two parts of government as well as the autonomy of the judiciary. The idea of judicial independence has strengthened Pakistan's judiciary during the last 20 years (Rasheed, 2020). A judicial action brought by the courts according to article 184(3) of the Pakistani Constitution is referred to as suo moto. The aim of this endeavor is to protect fundamental rights while recognizing and addressing public concerns. The preamble of the 1973 Pakistani Constitution states that everyone has the right to initiate legal action and make a written plea to the court to address any infringement of their basic rights. In Public Interest Litigations, the Supreme Court often uses its suo moto jurisdiction to protect the public interest. The Pakistani legal system has been significantly impacted by landmark cases (Munir, 2018). It is common to discuss the cases of State v. Dosso (1958) and Maulvi Tamizuddin Khan (1955) as noteworthy examples of judicial decisions with important political consequences. These decisions established the Doctrine of Necessity. Recent events, such as the 2017 Panama Papers case, which brought attention to judicial activism, have shown that the court is now regarded as an active institution in maintaining accountability.

#### **Lawyers Movement: A Way towards Judicial Independence:**

The Bar Association launched the Lawyers movement in 2007 with the intention of restoring the Chief Justice to his previous position. (Akhtar, 2022). The legal history of Pakistan was significantly impacted by the conflict between Musharraf and Iftikhar. Iftikhar Chaudhary was asked by Musharraf to step down as Chief Justice, but Chaudhary refused. As a result, Musharraf accused Iftikhar Chaudhary of wrongdoing and temporarily removed him from his position, according to Khan (2016). A lawyer's movement against Musharraf emerged as a result of his unlawful and tyrannical methods. Legal professionals in Pakistan started a campaign to express disapproval of Pervaiz Musharraf's despotic policies. (2009, Rizvi). Following the unwarranted and unexplained detention of lawyer Naveed Akhtar at the start of the campaign—likely by the military—the lawyers' movement took a turn towards a confrontation between attorneys and the armed forces. His friends attempted in vain to extricate him

from the precarious position. Later, a writ petition was sent to the Peshawar High Court by Mian Muhibullah Kakakhel, an exceptionally talented lawyer who practices in the Supreme Court of Pakistan. The lawyer was then ordered to be freed from military custody by the court. The conflict between the military and lawyers grew worse as a result of this verdict. The attorneys organised a protest against Iftikhar Chaudhary's suspension and demanded that he be reinstated as Pakistan's Chief Justice. In the recommendation made by the Musharraf dictatorship to the Supreme Judicial Council, they wanted the full abolition of all charges made against him. He was restored to his seat by an expanded Supreme Court panel after the Supreme Judicial Council denied the referral, with the help of attorneys Tariq Mehmood, Hamid A. Khan, Ali Ahmad Kurd, Munir A. Malik, and Aitzaz Ahsan. The Chief Justices of Pakistan's Supreme Court oversaw the attorneys' effort. Chief Justice Iftikhar Chaudhary and sixty other justices from the Supreme Court and High Court of Pakistan were ousted and a state of emergency was imposed by President Pervez Musharraf after they refused to take an oath on the Provisional Constitutional Order (PCO). A wide range of people participated in the attorneys' demonstration, calling for the end of the state of emergency and the reinstatement of the legal system. After that, Musharraf tendered his resignation, and Asif Ali Zardari became Pakistan's new President. The attorneys' movement was greatly influenced by the opposition political party, PML (N). Pakistan's Prime Minister, Yousaf Raza Gillani, reinstated Iftikhar Chaudhry as the country's Chief Justice. This data is taken from Malik's 2019 release. National Judicial Policy:

The National judicial Policy 2009 was put into effect with the intention of reducing the number of cases that are pending, enhancing the effectiveness of the nation's legal system, and modifying it to meet the needs of modern society. In order to formulate the policy, the Chief Justice of Pakistan presided over the National Judicial (Policy Making) Committee, which was also comprised of the Chief Justices of the Federal Shariat and High Courts. Ensuring efficient and easily accessible justice at the local level is the main goal of the National Judicial Policy. The goal of the Policy, which was implemented in response to the Judges-Restoration Movement (2007–2009), is to increase public faith in the justice system by enhancing the efficiency of the judicial system. The

main objectives of the Policy were to ensure the judiciary's complete independence from the executive branch, eliminate corruption, and expedite case settlement (Hussain, 2015).

#### **Judiciary and the 19th Amendment:**

The 19th Amendment to the Constitution altered the judge selection procedure. The Judicial Commission took over the Chief Justice's former ability to nominate judges, while the Parliamentary Committee replaced the President's position. The courts ordered that the administration examine the stated Amendment based on their suggestions since they believed this to be an infringement of their autonomy. This required the Committee to give good cause for any rejections of the Commission's recommendations, as well as a rise in the number of judges from two to four. The nomination would be regarded as confirmed if the Commission were to restate these recommendations exactly as they are. In the end, Parliament accepted the 19th Amendment, increasing the number of judges on the Commission's judiciary from two to four (Munir, 2021).

#### **Conclusion:**

The three primary pillars of government are the legislative branch, the executive branch, and the judiciary. The Pakistani judiciary plays a vital role in settling legal disputes and is mandated by the Constitution to function with a high degree of independence. The Pakistani Constitution mandates a clear and accurate division of power between the executive and judicial branches. Authority must only be used within the bounds of the law. The 1973 Constitution's Article 7 outlines the authority and jurisdiction of the legislative and executive branches. On the other hand, the jurisdiction of the court is made clear in Part VII, "The Judiciary," of the 1973 Constitution. The Executive and the Judiciary are incapable of carrying out judicial or administrative functions in a suitable manner. The judiciary's self-control and impartiality are essential to a democratic system's effective operation. Since the judiciary is a fundamental institution of the state and ought to actively promote the progress of the state and society, it is imperative that Pakistan maintain its autonomy.

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