



**RESEARCH PAPER**

**Judicial Empowerment and the Support of the Legal Community in Pakistan**

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**DOI**

[http://doi.org/10.35484/pssr.2022\(6-II\)51](http://doi.org/10.35484/pssr.2022(6-II)51)

**PAPER INFO**

**ABSTRACT**

**Received:**

February 15, 2022

**Accepted:**

May 19, 2022

**Online:**

May 21, 2022

**Keywords:**

Judiciary,  
Higher Judiciary,  
Legal  
community,  
Judicial  
Empowerment

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The objective of this paper is to examine the nature and scope of the relationship between the support of the legal community for the judiciary and judicial empowerment in Pakistan. It also evaluates the nature and scope of judicial empowerment which increased due to the support of the legal community for the judiciary in Pakistan during the mid 2000s. Before 2005, the higher judiciary in Pakistan was not powerful in terms of making bold decisions against the interests of other branches of the state. However, the legal community supported the judiciary from 2007 onwards which resulted in judicial empowerment visible in landmark decisions by the Supreme Court of Pakistan against the government from 2009 onwards. The paper found that the support of the legal community for the judiciary leads to judicial empowerment. The judiciary has neither guns nor purse on the basis of which it can make bold decisions and implement those decisions. Therefore, the support of the legal community is essential for judicial empowerment. This paper recommends strong engagement between the judiciary and the legal community in Pakistan as the two are interconnected. A strong, vibrant, active, and supportive legal community can further empower the judiciary in Pakistan.

**Introduction**

The judiciary in Pakistan had limited independence from other branches of the state before 2005. Public at large were not aware of the importance of the higher judiciary for their lives let alone extending their support for the judiciary. They were not aware of the importance of the higher judiciary for their lives because the literacy rate was around 17%. This means only 17% of the total population of Pakistan could read and affix their signature. It was not possible for the public at large to understand the complex legal system and the importance of the higher judiciary for their lives. However, the higher judiciary in Pakistan showed a certain degree of empowerment from 2005 onwards public at large extended its support for the judiciary through popular demonstrations and increasing engagement with the judiciary. The

increasing judicial empowerment was visible in decisions made by the judiciary against other branches of the judiciary.

### **Literature Review**

There is little writing about the relationship between the support of the legal community for the judiciary and judicial empowerment in a non-democratic context like Pakistan. Almost none of the existing Pakistani scholarship specifically focused on how the lawyers' support for the judiciary empowered the judiciary and the nature and scope of that empowerment. This section will review these studies and identify the gap in the existing literature.

The wider literature on judicial empowerment is mostly focused on written constitutional rules. These studies suggest that laws alone empower the judiciary (Carrubba et al., 2015; Choudhry, 2010; Gee et al., 2015; Ginsburg, 2003; Hannan, 2021; Hilbink, 2011). These studies overlook the behavioral aspect of judicial empowerment which operates in social and political context. There is little writing on behavioral aspect of judicial empowerment in a non-democratic context (Epperly author., 2019; Epperly & Sievert, 2019; Hayo & Voigt, 2014; Linzer & Staton, 2015; Voigt & Hayo, 2006). This study will use the case of Pakistan to explain how judicial empowerment increases because of increasing mobilization of lawyers' community and their support for the judiciary.

Hirsch(2004) explains that the phenomenon of judicial empowerment is strategic interplay of judicial elites, political elites and economic elites. Political parties have different manifestoes and ideologies due to which they cater variety of constituents. Therefore, majority in elected legislatures and consistent victories in elections are important for preservations of political interests. Political parties with majority of seats in legislature can reverse or alter previous laws through new legislation or introduce new policies which may not serve the interests of opposition. Similarly, a political party consistently winning the elections would continue their policy agendas easily with majority of supporters in legislatures. In both cases, majority in legislature and consistent victory in election, any kind of deference of political issues to judiciary is not a strategic choice for ruling elites as they can pursue their interests through policy-making in legislatures. But, when political elites with their majority in legislature feel threats to their electoral power they delegate powers to judiciary because they anticipate that new regime would either reverse or modify their policies through new legislation and an empowered judiciary or a judiciary behaving independently of other institutions, in such a situation, can block such attempts of new regime. Loosing politicians or those politicians who are certain about losing power in coming elections, therefore, either bring political questions to courts in the name of rights in cases where judiciary is equipped with powers of review or demand for constitutionalization of rights in cases where there is no formalist of rights in the constitution and judiciary is not equipped with powers of strong review. As judiciary has to protect right and to protect constitutions, the loosing political elites usually get succeeded to receive favorable verdicts and hence resolve hose political questions in courts which otherwise could have been resolved in legislature with unfavorable outcomes.

Economic elites have also strategic interests in judicial empowerment. These elites focus on maximum return and favorable environment for their investment. Protection of liberal policies and Lockean libertarian concept of rights are favorable to their economic interests and strong courts protect their interests under the constitutional provisions of rights. Intervention of courts in matters arising out of business activities insure protection to economic elites against the government's regulation and keep the two spheres, private and public, separate. Economic elites hence view inclusion of rights in the constitution and consequent judicial empowerment through the power of judicial review as a guarantee to avoid trade barriers, market constraints and any kind of intervention by the government.

The support of judges in the superior courts towards judicial empowerment clearly makes sense. The empowerment of the very institution governed by the judges mean empowerment of the judges themselves. Judicial empowerment enhances political influence and power of the judges. The superior courts operate in a strategic environment characterized by interests of political elites, economic elites and middle class represented by the media and hence, capitalize on compulsion of other actors. The judgements delivered by them align themselves with courts of other liberal countries. For example, the judgement of the South African Constitutional Court in famous Makwanyane 1995 case made reliance on judicial verdicts from both developed and developing democracies. Similarly, judgements of the Supreme Court of Pakistan are full of references to judicial rulings of other common law countries such as India, the United Kingdom, Australia and the United States. Slaughter explained this phenomenon as something not less than a conversation between courts of different countries in a global world. Secondly, judicial empowerment provides an opportunity to courts to raise their stature and burnish their image in the eyes of common people. Active use of judicial review muster support among all anti-government elements and coalesce them around the judiciary. In addition, favorable judgements in the cases involving Non-Governmental Organizations (NGOs) and human rights organizations earn judiciary the support of marginalized factions of the society. This accumulation of support from various factions of the society and politics makes courts sometimes very powerful vis-à-vis other institutions.

### **A Historical Analysis of Judicial Behaviour**

A brief history of judicial politics in Pakistan will show historical continuity in alliances between the judicial elites and other elites. After 1947, Pakistan couldn't enact her first Constitution till 1956 which could sustain till military coup detat in 1958. The Supreme Court of Pakitan endorsed the military Coup Detat. The then Commander-in-Chief (C-in-C) General Ayub Khan ruled the country from 1958 to 1969. His successor C-in-C General Yahya took him over in 1970 and ruled until secession of the Eastern Part of the country and emergence of Bangladesh as an independent country in 1971. The Supreme Court of Pakistan didn't endorse the military intervention of General Yahya because it was not under pressure as Zulfiqar Ali Bhutto had taken over the government in 1972 when the time the Court was delivering the verdict. Pakistan People Party (PPP) -led national assembly enacted the third constitution of Pakistan in 1973 after long discussions and debates with all other political stakeholders. General Zia ul Haq once again toppled the Pakistan People Party-led regime on 5 July 1977 by suspending the Constitution of Pakistan, 1973 and

the Supreme Court of Pakistan endorsed the suspension. From 1947 to 1977, the elites were divided as political elites couldn't negotiate contentious political questions such as division of powers between the central government and provinces, national identity and allocation of resources. Bureaucracy and the Pakistani military remained strong both politically and economically. Politically because military governed the country for decades and made and destructed political parties. Judicial elites were playing the role of conferring legitimacy on the regime. During this period, judicial independence or any degree of judicial empowerment vis-à-vis other institutions could take place.

The 1990s displayed a circuitous and more surreptitious method of military's influence over the politics and its endorsement by the judiciary. The Constitution of Pakistan remained unstable and judiciary's role in politics was detrimental to representative politics. A controversial provision was introduced in the Constitution during the military's regime of General Zia-ul-Haq under article 58(2)(b). Accordingly, the article empowered the President to dissolve the national assembly if he believes that the national assembly cannot constitutional functions. The Article 58-2(b) made the office of the President powerful at the expense of representative institutions. The antagonistic repercussions were profound and far reaching. The fundamental constitutional structure became unstable. Three different Presidents dissolved four elected government between 1988 and 2007 under the said article. The context in which the four elected regimes have been dissolved was characterized by weak political institutions, problems of bad governance, politics of patronage. All of these dissolutions landed in the Supreme Court of Pakistan to decide the constitutionality. As motivations behind the four dissolutions were political, it was no surprise that the decisions of the apex court in the case were also political. The apex court made four different interpretations in its decisions on all of above four dissolutions. After the fourth dissolution, the national assembly, with majority representation of Pakistan Muslim League-Nawaz Group, repealed the controversial constitutional provision of article 58(2)(b). The situation from 1988 to 1999 was not much different in terms of divisions among judicial elites, political elites and economic elites. There were only two differences between the previous phase of judicial politics and the involvement of judiciary from 1988 to 1999. One was legitimacy and de-legitimacy extended to democratic regimes by the judiciary at the direction of military. Second was different legal interpretations of article 58(2)(b) in similar nature of cases.

The PML-N led government which came into power in 1997 as the result of General Elections 1997 had soon got differences with military establishment. The differences reached the breaking point on October 13, 1999. The then Chief of Army Staff, General Pervez Musharraf toppled the government, suspended the Constitution and seized nationwide political activities. Like his predecessors, he introduced his Provisional Constitutional Ordinance (PCO) and asked the judges of the Supreme Court and Provincial High Courts to take fresh oath under the PCO. Majority of the judges, including Iftikhar Mohammad Chaudhry, accepted to take the oath under the PCO. Similar to previous military interventions, the Musharraf's intervention received endorsement in the name of doctrine of state necessity by a twelve-member bench including Iftikhar Mohammad Chaudhry in Zafar Ali Shah Case in 2000. With political activities and judicial apparatus under control, the

military regime under the leadership of General Pervez Musharraf consolidated his powers as the President of Pakistan in years following 2000.

### **Lawyers' support for the Judiciary in Pakistan**

Third wave of judiciary's involvement in politics began with the elevation of Iftikhar Mohammad Chaudhry to the office of the Chief Justice of Pakistan. He decided different nature of cases whose ultimate beneficiaries were common people at large. For example, he ordered the government *Saad Mazhar v. Capital Development Authority* to ensure safety in construction and rationality in urban planning. He, while heading a bench of the apex court struck down the government's move of privatization in the case titled *Watan Party v. Federation of Pakistan* and hence not only safe many government employees from unemployment but also saved a public enterprise from being sold on trivial price. With Iftikhar Mohammad Chaudhry as the new Chief Justice of Pakistan, the Supreme Court of Pakistan established a separate Human Rights Cell for cheap and speedy justice to common people. The newly established Human Rights Cell took cognizance of missing persons in relation to war on terror and exert some degree of pressure on the military regime to produce the missing persons. These steps of the Chief Justice Iftikhar Mohammad Chaudhry didn't bode well with the military regime.

### **The Suspension of the Chief Justice**

General Pervez Musharraf asked the Chief Justice Iftikhar Mohammad Chaudhry on 9 March, 2007 to go on compulsory leave after telling him the allegations of misuse of powers against him. He refused to go on compulsory leave. As a reaction, Musharraf put Chaudhry and his family members under house arrest and sent a reference against him to the Supreme Judicial Council. Iftikhar Mohammad Chaudhry challenged the verdict before the full bench of the Supreme Court of Pakistan. The deposed Chief Justice refused official protocol and preferred to walk to attend proceedings against him on 13 March, 2007. The police official misbehaved with him and pushed him into the official car. These scene suddenly received the attention of both national and international media (Anjum 2012, King 2007).

This was perhaps the starting point of the lawyers' support for the judiciary and increasing support of the legal community for the judiciary at a point in history of Pakistan where for the first time an individual judge defied a Chief of Army Staff and the President of Pakistan under the watchful eye of vibrant commercial private electronic media. The sensational coverage of Chaudhry's defiance sent a message about losing power of military's regime to all disgruntled elites and middle class of the society. This defiance triggered mobilization among all anti-Musharraf elements in the society. On May 5, 2007, the deposed Chief Justice of Pakistan carried out a motorcade travelling a distance of 280 kilometers from Islamabad to Lahore.

Lawyers went on strikes every once or twice a week. Following the suspension of the Chief Justice paid visits to legal bar councils of many big cities of the country such as Abbottabad, Hyderabad, and Sukkur, Faisalabad, Lahore and Peshawar (Ahmed, 2012). Most of those visits were in the form of rallies and motorcades. A large number of ordinary people and lawyers attended all of those visits and address

of the deposed Chief Justice. Almost all of the rallies and motorcades led by the Chief Justice reached in the evening. As the working class people usually get free in the evening, their participation became possible (Ibid). Moreover, addresses and gatherings during the evening time secured full coverage of prime time slots of TV channels. The portrayal of the deposed Chief Justice as a national hero was not possible without the support of media (Daily Times, April 10, 2008)

Akhtar (2007) explained that public rallies and protests had been held on daily basis after the deposal of the then Chief Justice of Pakistan, Iftikhar Mohammad Chaudhary. The deposed Chief Justice was central to all of those rallies and protests. The unusual thing about the popular uprising was the support of ordinary people with the Chief Justice rather with a political leader. Media covered all of those events sensationally.

The Supreme Court of Pakistan declared deposal of the Chief Justice by the regime as unconstitutional. Iftikhar Mohammad Chaudhary started working again as the Chief Justice but the military-led executive was not expecting favorable decisions from the superior judiciary under the leadership of Iftikhar Mohammad Chaudhary. The level of the regime's discomfort heightened when the issue of re-election of General Pervez Musharraf as the President for the next five years came before the apex court. As Chaudhary had established the reputation of defiance earlier, rumors of adversarial judgment was going around. Anticipating unfavorable judgement, Musharraf promulgated emergency throughout the country on November 3, 2007 and sacked almost all the judges of superior courts (Qureshi, 2010). The promulgation of emergency triggered nationwide protests, political gatherings and processions against the regime and in favor of the restoration of the judges.

Parallel to judiciary-executive tug of war, political developments were also taking place. The Americans mediated talks between General Pervez Musharraf and the exiled Chairperson PPP, Benazir Bhutto in 2007 to come an understanding that the Musharraf would continue as the President of Pakistan and in return the exiled leader would return to Pakistan after the coming General Elections and the Musharraf's regime would not persecute her in the corruption cases (Siddiqi, 2011). As a result, General Pervez Musharraf enacted National Reconciliation Ordinance (NRO) under which he dropped off all the pending cases against numerous politicians and bureaucrats. Benazir Bhutto slightly reneged on her words by coming before the General Elections. Observing her return to Pakistan, exiled leadership of PML, Mian Mohammad Nawaz Sharif and Mian Mohammad Shahbaz Sharif, attempted to return but they had been sent back from the Lahore Airport through the next flight as soon as they had arrived. PML-N noticing that the apex court after the deposal and restoration of the Chief Justice is antagonistic to the regime moved the Supreme Court of Pakistan to allow his return to Pakistan which the apex court had accepted. This decision gave fillip to concerns of the regime about probable adverse decisions of the apex court in the Musharraf's re-election as the President. The apprehensions ultimately matured into promulgation of emergency on November 3, 2007.

## **Post-Emergency lawyers' support for the Judiciary**

The emergency' rule was anticipated long before its promulgation. A seven-judge bench including the then Chief Justice Iftikhar Mohammad Chaudhry declared the emergency on the same day of Promulgation. Around sixty judges of the superior courts had either themselves refused to take oath or were not invited to take oath under the PCO of 2007. Judges were detained and politicians, famous lawyers and civil society members had been arrested (Perlez and Rhode, 2007). The emergency broadened the scope of convergence in interests of multiple actors. Mobilization of university students gained momentum. Members of civil society aligned themselves with lawyers and politicians in their resistance against the emergency (Munir, 2009).

Ahmed (2012) explained that the movement for the restoration of judiciary gained momentum once again after the emergency. A variety of communication was adopted by lawyers. Talk shows of TV channels AAJ TV, Geo TV and ARY One TV telecasted focused talk shows on the movement. The then government shut down many TV channels. TV channels had been forced to deny telecasting of famous TV talk shows by famous anchor persons such as Hamid Mir, Kamran Khan, Shahid Masood, Tal Hussain etc. This created collaboration between other actors of the movement and media. One example, was an off air arrangement of Geo TV talk show Capital Talk whose anchor person was Hamid Mir. When the TV channel was shutdown, the talk show, attended by various well-reputed lawyers, members of civil society, ex-officers of judiciary and Pakistan military, was conducted in front of Geo TV building.

The public pressure was mounting after the emergency rule of 2007. American pressure had been added to political instability. Musharraf's replacement as the Chief of Army Staff (COAS) by General Ashfaq Pervez Kiyani further weakened the regime as Army as an institution distanced itself from Musharraf's approach towards the politics. He announced the date of next General Elections. Amidst high level of political uncertainty, the Chairperson of Pakistan People Party, Benazir Bhutto had been assassinated which added to level of instability. Democratic transition took place in the General Elections. Almost, all the political parties chanted restoration of deposed judges and rule of law during their elections sloganeering and campaigning (Kronstad, 2008). Pakistan People Party (PPP) emerged as the largest party with majority seats in the national assembly and formed the coalition government initially with PML-N. PML-N continued its demand for restoration of judges but not with the same zeal and zest with which it had pursued before the elections. After the election there was some decrease in the momentum of demands for the restoration of the superior judges.

As PPP-led regime didn't accept the demands of PML-N, the latter left the coalition government and led the opposition in the national assembly. This created political tension and widened the gap between the two major political parties. But the political polarization crossed the threshold when the Supreme Court of Pakistan under the PCO-judges dismissed the appeal against the Lahore High Court Judgement of disqualification of PML-N leadership. As a result of dismissal of appeal the Lahore High Court Judgement of disqualification of Nawaz Sharif President PML-N and Shahbaz Sharif brother of Nawaz Sharif and the then Chief Minister of

Punjab-the biggest province of Pakistan with respect to population, stood restored. Punjab government had been dissolved and the Governor's rule was promulgated. PML-N supporter reacted to dismissal of appeal by the apex court by taking to streets. This situation pushed Mohammad Nawaz Sharif to announce Long March for the restoration of judges including the Chief Justice Iftikhar Mohammad Chaudhary.

### **The Second Long March for The Restoration of the Judiciary**

The then Army Chief General Ashfaq Pervez Kiyani met the President Asif Zardari and the Prime Minister Yousaf Raza Gilani on March 15, 2009. Mian Mohammad Nawaz Sharif carried out the Long March on March 16, 2009 from Lahore to Islamabad. Lawyers and civil society also announced to support and joined the Long March. The English and Urdu daily newspapers published advertisements of invitation to people for participation in the Long March for the restoration of judiciary Ahmed(2012). It was perceived that the number of participants in the Long March were 40000 to 50000 people(Ibid) . Reportedly, workers of different political parties such as PML-N, Pakistan Tehreek-i-Insaaf, Jamaat-i-Islami, Khaksaar Tehreek, National Workers Party, Awami League, and Sindh Taraqi Pasand Party participated in the Long March (Ibid). In the middle of Sharif's Long March, the PPP-led government announced the restoration of Iftikhar Mohammad Chaudhary on March 22, 2009-the day after the PCO-Chief Justice Abdul Hameed Dogar was retiring. It was widely perceived that the Pakistani military leadership played a strong interlocutory role in convincing the then President of Pakistan, Asif Ali Zardari and the then Prime Minister of Pakistan, Yousaf Raza Gilani to restore Iftikhar Mohammad Chaudhary and Mian Mohammad Nawaz Sharif to call off the Long March in return.

The restoration of Iftikhar Mohammad Chaudhary opened a completely new and different chapter of judicial politics in Pakistan. No doubt, PML-N received favorable verdicts from the apex court under the leadership of restored Chief Justice Iftikhar Mohammad Chaudhary. The Supreme Court reviewed the verdict disqualifying the PML-leadership by accepting the review petition. The apex court acquitted Mian Mohammad Nawaz Sharif the President of PML-N in a time barred appeal against the court's sentence of life imprisonment, the leaders of other parties viewed such nature of leniency of the apex court as a kind of reciprocity. However, it was beyond any shadow of doubt that the post-March 2009 Supreme Court of Pakistan was a different judiciary. The Court went to those domains of politics, society and economics where no judge in the world had gone before. Where the activism on the part of the court invited criticism of the court's encroachment upon the domains of institutions, it certainly made the apex court most popular institution from 2009 to 2013.

Lawyers' support for the apex court was entirely visible from 2009 to 2013. For example, the court compelled the military regime to present missing persons in the court and provide information of internment centers. It decided a decade old Asghar Khan Case in which it indicted ex-military chief and ex-Inter-Services Intelligence Chief. As the result of various courts decisions prices of sugar and petroleum had been lowered down by the Court. Loss of billion rupees in scams of public enterprises such as Bank of Punjab, National Insurance Corporation Limited,



Pakistan Steel Mills etc had been recovered by the court. The list of cases of public importance cases is long.

As a result, the Supreme Court of Pakistan had become one of the most powerful and popular courts in the world. Its empowerment was visible through excessive use of judicial review either in favor of common people or in those cases which involved the elites of the society. Above all the apex court compelled the parliament to enact Nineteenth Constitutional Amendment under which the Supreme Court of Pakistan became completely autonomous in judicial appointments.

From the above events and explanation of roles played by various actors show that the empowerment of the Supreme Court of Pakistan was not the result of federalism, credible economic commitments or political competition. It had been empowered due to lawyers' support which made the whole process of judicial empowerment popular. Even after the restoration of the Chief Justice Iftikhar Mohammad Chaudhary the collaboration among the variety of actors remained intact in some form or another. Khan (2014) analyzed historical trends of public interest litigation from 1988 to 2013. She explained the involvement of various groups in public interest litigation under article 184(3) of the Constitution before the Supreme Court of Pakistan. She noted that people belonging to different walks of life were litigant in public interest litigation from 2009 to 2013. *Suo motu* (at its own) notices and cases constituted one third of the total number of reported public interest cases in the apex court. In the remaining two third cases lawyers bar association, political elites, media, common people and the non-governmental organizations (NGOs) were the litigants. Although, Siddique(2015) named some of these litigants such as lawyers' association as 'legal drones' of the apex court, the statistics reported by Khan shows that society remained engaged with the Court for the selected time period of this research.

The above analysis showed that public at large extended its full support for the higher judiciary in Pakistan from 2005 onwards. This support of the legal community was visible in different events and cases where different groups of society came together to challenge government's actions against the judiciary and increased its engagement with the judiciary from 2005 onwards during different phases. Increasing support of the legal community for the judiciary shaped the context in which the judiciary made decisions against the interests of the government which indicated a certain degree of judicial empowerment.

## **Conclusion**

This paper concludes that judicial empowerment and the support of the legal community for the judiciary are interconnected. Lawyers and people associated with the legal system across the country directly supported the judiciary which not only made the judiciary in Pakistan popular but also powerful. The judiciary behaved in accordance with popular sentiments which showed that the empowered judiciary made decision to retain the support of the legal community. The support of the legal community for the judiciary empowered the judiciary from 2005 onwards and then empowered judiciary behaved in order to retain the support of the legal community.



## References

- Ahmed, Zahid Shahab. (2012). The Role of the Pakistani Mass Media in the Lawyers' Resistance against the Musharraf Dictatorship, 2007-2009. *Pakistaniaat: A Journal of Pakistan Studies* 4(3), 61-77.
- Akhtar, A.S. (2007) *Popular Movement in Pakistan*, Zmag. <https://zcomm.org/znetarticle/popular-movement-in-pakistan-by-aasim-sajjad-akhtar/>
- Carrubba, C. J., Helmke, G., Gabel, M., Martin, A. D., & Staton, J. K. (2015). *When Parchment Barriers Matter: De jure judicial independence and the concentration of power*. Washington University.
- Choudhry, S. (2010). After the Rights Revolution: Bills of Rights in the Postconflict State. *Annual Review of Law and Social Science*, 6(1), 301-322. <https://doi.org/10.1146/annurev.lawsocsci.093008.131445>
- Epperly author., B. (2019). *The political foundations of judicial independence in dictatorship and democracy* (First edition.). Oxford University Press.
- Epperly, B., & Sievert, J. (2019). Conflict and Courts: Civil War and Judicial Independence across Democracies. *Political Research Quarterly*, 72(3), 700-713. <https://doi.org/10.1177/1065912918803200>
- Gee, G., Hazell, R., Malleson, K., & O'Brien, P. (2015). *The Politics of Judicial Independence in the UK's Changing Constitution*. Cambridge University Press. <https://doi.org/DOI:10.1017/CBO9781107589223>
- Ginsburg, T. (2003). *Judicial Review in New Democracies: Constitutional Courts in Asian Cases*. Cambridge University Press.
- Hannan, M. A. (2021). Separation of Judiciary and Judicial Independence in Bangladesh : An Appraisal. 8, 1-21. <https://doi.org/10.4236/oalib.1107002>
- Hayo, B., & Voigt, S. (2014). Mapping Constitutionally Safeguarded Judicial Independence- A Global Survey. *Journal of Empirical Legal Studies*, 11(1), 159-195. <https://doi.org/10.1111/jels.12038>
- Hilbink 1967-, L. (2011). *Judges Beyond Politics in Democracy and Dictatorship : Lessons from Chile*. Cambridge University Press.
- Khan, M. S. (2014). Genesis and Evolution of Public Interest Litigation in the Supreme Court of Pakistan: Toward a dynamic theory of judicialization. *Temple International and Comparative Law Journal*. 28(2):285-359.
- King, L. (2007, November 7). For Pakistanis, Fired Justice is Symbol of Defiance, *Los Angeles Times*.

- Linzer, D. A., & Staton, J. K. (2015). A Global Measure of Judicial Independence, 1948–2012. *Journal of Law and Courts* 3(2), 223. <https://doi.org/10.1086/682150>
- Munir, D. (2009). The Pakistani Lawyers' Movement and the Popular Currency of Judicial Power. *Harvard Law Review*, 123, 1705–1726.
- Perlez, J. & David, R. (2007 November 6,). Lawyers Resist Emergency Rule by Musharraf, *New York Times*.
- Qureshi, T. A. (2010). State of Emergency: General Pervez Musharraf's Executive Assault on Judicial Independence in Pakistan, 35 *North Carolina Journal International Law & Commercial Regulation* Reg. 485.
- Siddiqi, F. (2011, December 31). "The NRO Mystery". *The News*.
- Voigt, S., & H, B. (2007). Explaining De Facto Judicial Independence. *International Review of Law and Economics*. 27(3), 269-270. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=900336](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=900336)