



The Judiciary at a Crossroads: Political Influence and the Struggle for Judicial Autonomy in Pakistan

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Abstract

Law and justice are upheld in a system where courts are entirely independent. The Pakistani judiciary mainly exists to defend fundamental rights and to ensure a balance between the government's institutions. However, actions by politicians might challenge the independence and work of the court. This work examines the effect of political pressure on the decision-making processes of the judiciary in Pakistan. Through analysis, it examines situations where political pressures have led courts to hand down specific decisions that have worked to undermine public trust in the judiciary. The study also investigates steps taken to improve the independence of courts and work to keep judicial integrity in a political environment. This essay talks about the necessity of an independent judiciary by showing why it's essential to keep the judiciary separate from political parties; this essay highlights the need for the judiciary to stay away from politics to help keep democracy and justice unharmed.

Keywords: Judicial Independence, Pakistan, Political Interference, Rule of Law



Introduction

Judicial independence is an integral pillar of democracy and guarantees that the judiciary is autonomous from outside influence and political pressure (Landfried, 2020). The judiciary in Pakistan has often come under political interference, which jeopardized its impartial work (Shah & Awais, 2024). The executive and legislative branches' control over the appointment and determination by the judiciary had previously compromised judicial autonomy (Khokhar, 2024).

The political actors have employed the judiciary to lend legitimacy to their activities frequently, especially during political crises (Kureshi, 2022; Sheikh, 2024). It has led to rulings that are seen as politically biased, thereby gradually undermining public trust in the judiciary (Shakeel, 2023). The connection between political institutions and the judiciary continues to be complicated, as political motives still affect judicial rulings, rendering judicial autonomy a controversial topic in Pakistan (Hassan et al., 2023).

The causes of challenges to judicial independence in Pakistan are found in the nation's constitutional and political development. Based on Khan (2023), judges have often been urged by both military leaders and political officials to accept extra-constitutional actions, which may weaken how credible the judiciary appears. Historians have shown that who gets appointed and removed from a judicial position is often guided by the needs of the executive (Martin, 2024).

Recent studies point out that politicians are increasingly trying to impact court decisions, either openly or quietly (Khokhar, 2024). Due to unfair patterns in court decisions, both courts' fairness and trust in the legal system have been reduced among people (Tripathi & Kumar, 2024). As a result, efforts to create an independent judiciary are not finished, and reforms that focus on unconnected judicial appointments from politics and shielding judges from outside pressures are increasingly necessary (Shah & Awais, 2024).

Nevertheless, being truly independent means it is the responsibility of all state bodies to stand by the rule of law and isolate politics from the judicial branch (Landfried, 2020; Neudorf, 2017). Learning about the effect of political factors on Pakistan's judiciary helps find strategies to preserve its autonomy and encourage public trust in the courts (Martin, 2024; Shakeel, 2023).

Research Justification

Law, human rights, and democracy can be maintained only if judges are independent. In Pakistan, it is mainly the responsibility of the judiciary to keep the power in balance and to make fair decisions. Nevertheless, politicians continuing to interfere regularly reduces the freedom of the court and weakens people's trust in the law. An analysis needs to be conducted because there are many important links between political power and justice in Pakistani courts.

When presidents depend on politics to make court decisions and appoint judges, it weakens the law court's image. The way courts address challenges today impacts people's beliefs about fairness and justice. The inefficiency of courts and the threat to democracy are both results of such problems. Studying the role politics plays in Pakistan's judiciary is done here to reveal the obstacles to keeping impartiality. The study also seeks to recommend actions to maintain the independence of the judiciary.

Through the analysis of the comparative model and legal structure, it seeks to propose measures that improve judicial independence while maintaining checks and



balances. This research will enhance scholarly discussions, inform policy discussions, and promote legal changes. Ultimately aiding in the creation of a more robust and fair judicial system in Pakistan.

Research Objectives

1. To discuss the historical context of laws regarding judicial independence in Pakistan.
2. To highlight the theoretical context of judicial independence and political interference in Pakistan.
3. To analyze the laws regarding judicial independence in Pakistan.
4. To identify the key challenges regarding judicial independence in Pakistan.
5. To explore the opportunities regarding judicial independence in Pakistan.
6. To propose effective prevention and intervention strategies.

Research Methodology

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba & Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006), and classified information was incorporated into the study by organizing it into headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the research subject and its contents (Egger et al., 2022; Victor, 2008). The criteria for selection are enlisted.

1. **Relevance:** Researches that directly addressed the questions posed by this study are included.
2. **Quality:** Studies that meet a certain quality threshold (e.g., methodological rigor, bias risk) are included. Most of the research is from Scopus-indexed and Clarivate Analytics journals and reputed publishers.
3. **Recency:** Consideration of the publication date to ensure that the review reflects the most current evidence. Most of the studies are from the last three years.
4. **Language:** Only studies published in English are included.
5. **Data Completeness:** Previous studies must provide sufficient data on outcomes of interest for practical synthesis; it is also ensured in this research.

This study did not use primary data from human participants; therefore, no ethics clearance letter from the ethics committee was required.

Literature Review

Courts rely on judicial independence, which keeps them independent of outside influences and governmental pressure (Neudorf, 2017; Staton et al., 2022). Autonomy in Pakistan has been difficult for the judiciary to achieve over the years (Martin, 2024). Following the decision of Maulvi Tamizuddin Khan (1955) with the Doctrine of Necessity, the courts gave legal authority to military coups and undermined the independence of the judiciary (Abbas & Patro, 2024).

Later on, the argument of this doctrine made it possible for military leaders to violate the Constitution and rule martial law (Tripathi & Kumar, 2024). Because Pakistan's legal system received both Anglo-American jurisprudence and parliamentary principles, the role of the judiciary has become more involved (Tariq, 2020). Such a mix in the laws has brought challenges for courts, which must decide how much authority to give parliament and how to protect people's rights (Kureshi, 2022). There are concerns that using suo motu powers in Article 184(3) of the Constitution too often leads to judicial overreach and adds



further difficulties to the judiciary's work of maintaining balance among all branches (Mohtasim, 2024).

The link between Pakistan's courts and political bodies has changed from cooperation to opposition. After the Lawyers' Movement (2007–2009) promoted a new focus on the role of the judiciary, the following years still faced political meddling in appointment cases and court judgments (Abbas & Patro, 2024). Thanks to the movement, the Chief Justice was restored, and it became clearer that the judiciary plays a key part in supporting constitutionalism. Even so, it was still possible for the executive and legislative branches to affect court rulings so that positive decisions were given in politically significant cases (Shah & Awais, 2024). Large legal cases about political dismissals, accusations of corruption, and election conflicts revealed that the judiciary is involved in political issues (Tariq, 2020).

The perception that the judiciary is being used as a tool for political engineering has significantly eroded public trust in its impartiality. Political actors have frequently exploited judicial interventions to settle rivalries, contributing to a blurred distinction between legal and political domains (Mohtasim, 2024). Legal experts believe that strong judicial reforms are needed to protect and retain judicial independence in Pakistan. It is proposed that the Judicial Commission of Pakistan be updated so that its appointees are fair and do not play political favorites (Abbas & Patro, 2024). Also, if the Chief Justice had less freedom to choose members of judicial benches, it would ensure that power remained shared and that political politics did not affect which cases were heard by whom. The report also points out that creating clear rules between judicial and executive actions is necessary to avoid problems during court proceedings (Tariq, 2020).

To further support the courts, they need more financial and administrative control so they are not beholden to the executive for everything (Mohtasim, 2024). To maintain Pakistan's democracy and proper implementation of the law, all these reforms must be enforced (Kureshi, 2022). If nothing changes, the credibility and ability of the judiciary to be fair and impartial will keep being damaged.

Historical Context of Laws Regarding Judicial Independence in Pakistan

The independence of Pakistan's judiciary has often been threatened by continual political involvement (Neudorf, 2017). The legal system adopted after independence in 1947 was based on British traditions, making impartiality in the courts a main principle (Kureshi, 2022; Shah & Awais, 2024). Yet, it became clear that politics was influencing the system starting in the 1950s when the executive made decisions about whom to hire and dismiss as judges (Aziz, 2024). Because of the Doctrine of Necessity, as first applied to Maulvi Tamizuddin Khan's case in 1955, the judiciary could justify actions against the Constitution, including military coups that reduced its independence (Tripathi & Kumar, 2024). Political dominance over the courts was strengthened by the acceptance of three military coups in 1958, 1977, and 1999 (Falki & Shahzad, 2022).

As in the 21st century, reforms for independent courts were made, mainly thanks to the Lawyers' Movement (2007–2009), making it possible for the Chief Justice to be reappointed and encouraging greater judicial activism (Aziz, 2024). Still, political influence continued, and it showed in decisions by the court against election results or corruption accusations (Shakeel, 2023). Because the judiciary sometimes follows the executive and other times disagrees, it still struggles for complete independence, as noted



in Falki & Shahzad's study (2022). Giving more autonomy to the judiciary is essential for the country's democratic health.

Theoretical Context of Judicial Independence and Political Interference in Pakistan

To have checks and balances, the idea of separation of powers leads to judicial independence, which means the judiciary is distinct from both the executive and the legislative branches. The theory suggests that just and impartial decisions can only be made if judges do not rely on advice from politicians.

Many valuable provisions in the Constitution of Pakistan give the judiciary its independence. Even so, when people get involved in politics, these concepts can differ from what the laws actually set out. When politics affects the justice system, it makes it less likely that judgments will be carried out without bias. According to this theory, politicians affect the courts so they can gain or use political power or help specific causes. Political meddling in Pakistan includes judges being chosen based on politics, pressure from government officials, and making use of the court for purposes of politics.

As a result of these actions, many people no longer trust the judiciary because a court biased by politics weakens its fairness and objectivity. A review of these various points of view shows that political interference still prevents absolute judicial independence in Pakistan. You need to understand the overall situation to analyze suggestions for restoring judges' freedom and justice in the country.

Laws Regarding Judicial Independence in Pakistan

Pakistan's Constitution contains the main laws that preserve judicial independence. Article 175 explains that the branch of law will not be dominated by or mingled with the legislative or executive branches. Thanks to the 18th Amendment, Article 175-A created the judicial commission for Pakistan with the aim of reducing government influence on choosing judges. These sections exist to ensure the judges are independent and the rule of law is not broken. Even though the law protects principles, political interference still happens because executives are allowed to interfere with judicial affairs. The Supreme Judicial Council (SJC), founded through Article 209, governs the integrity of the judiciary.

People still raise concerns since political influence could affect the way decisions are made against judges. Also, critics say that the process for appointing and dismissing judges gives politicians too much power and threatens judge's independence. Changes in the law can make the courts more independent. For these protections to work, judges must be chosen transparently, enjoy directing their sentences, and be free from excessive influence by the executive branch. Improving judicial independence and decreasing political influence in the courts will lead to a union that is just and fair.

Challenges for Judicial Independence in Pakistan

To allow the rule of law, give just trials, and support democracy, Pakistan's courts need to be independent. Still, politicians have in the past stood in the way of impartiality within the courts. Many things, including executive influence, appointments made from political motives, pressure from media sources, and weaknesses in the legal system, prevent judges from making independent decisions. Such problems reduce the public's trust in the justice system and make it hard for it to remain neutral.

A significant problem is when politicians are involved in choosing who will serve on the judiciary. Even though there are guidelines in the Constitution, those in power have regularly used the judge selection process to achieve their desired decisions. The 18th and



19th Amendments introduced transparency, but politics has kept influencing the Judicial Commission. People have accused the government of appointing judges who show allegiance rather than the ability to perform the job well, which damages the reliability of the courts.

If the appointment of judges is related to politics, courts find it hard to remain impartial in politically contentious matters. Such interference causes a break in the judiciary's integrity and lessens democracy since the judiciary can't properly check on the executive and legislature. Another critical problem is the way the executive influences the actions of the judiciary. At various moments in Pakistan's history, both governments led by the military and those led by civilians have asked the courts to support them. Military regimes expect courts to decide in their favor, and civilian administrations hope the same when the court decides on significant matters.

There are occasions when judges making judgments against the government are forced to resign, are reassigned, or are threatened or harassed. As a result, such methods often allow fear to influence decisions more than legal rules. As long as the courts depend on the executive, they struggle to maintain justice in society. In addition, shortcomings within government bodies also weaken the role of the courts.

Phases including a lengthy court list, a lack of financial self-sufficiency, and claims of corruption trouble Pakistan's judiciary. When a big list of cases develops, political authorities may use it to influence the process and push back administrative rulings. Also, the judiciary's use of executive funds helps the executive indirectly give commands. The lack of resources and proper guarantees makes courts more open to outside intervention. No matter if judicial corruption is real or only appears to exist, it lowers people's trust in the courts and suggests that political or financial factors could affect decisions by judges. Fairness can be maintained through the improvement of judicial institutions.

External pressure from media and people's views adds more problems for judges to deal with. Cases involving politics are commonly influenced by how the public sees court actions by the media. Because political parties use the media, judges may find it challenging to judge cases only on the law. Some judges may be withholding unpopular decisions because they fear the public or others will disapprove. Because of more pressure, the fairness of the courts is put in doubt, and they are more receptive to outside forces. It is essential to defend courts from outside media and politics to preserve the independence of the judiciary.

Trying to stay free of political control, maintain independence from the executive, and deal with weak institutions places many challenges in the way of Pakistan's judicial independence. To solve these issues, we need legal updates, money independently managed by the judiciary, and safeguards from political meddling so that the judiciary works in an impartial way.

Opportunities for Judicial Independence in Pakistan

Despite the challenges to judicial independence in Pakistan, there are enough opportunities to improve the judiciary and reduce political interference. Making changes in judicial appointment processes, increasing public awareness, institutional autonomy, and international legal frameworks provide directions for strengthening judicial independence. By addressing these areas, Pakistan can work towards a judiciary that works fairly and advocates the rule of law without political interference. One of the main



opportunities for judicial independence in Pakistan is to reform of judicial appointment and accountability process.

The process for appointment of judges has become systematized because the 18th/19th Constitutional Amendments transferred this duty from the executive to the Judicial Commission. Selecting judges by merit without political influence will make sure that political people do not control the country's court decisions. Helping the Supreme Judicial Council to control judges without interference from politics is very important for improving judicial integrity. The institution must support judicial independence. Making sure that courts can manage their finances independently by receiving government funds frees them from being told what decisions to make. Setting up an independent budget for the judiciary, as many democracies do, can stop the government from using money as a tool to control or pressure the courts. Besides, improvements in court framework, digitalization of judicial records, and enhanced legal training for judges can contribute to an efficient and fair judicial system.

Through their increasing efforts, civil society and the media offer an opening to encourage people to support a fair judiciary. Making sure citizens are educated and clear on the role of a free judiciary in fair governance can be achieved by public awareness initiatives and law education. As more people have access to information, it becomes less acceptable to allow politicians to affect the courts, and more people support reforms in the judiciary. Groups in civil society and lawyers help ensure the government remains responsible for preserving the independence of the courts.

Being guided by international rules and becoming part of global organizations gives Pakistani judges a chance to act freely. Pakistan has become a party to a number of international deals that support justice and human rights, such as the International Covenant on Civil and Political Rights (ICCPR). Aligning domestic judicial policies with international legal standards can strengthen Pakistan's legal framework and enhance its judicial reputation. Collaborations with global legal institutions can also provide technical expertise and resources for judicial reforms. To guarantee long-term judicial independence, political leaders and institutions must keep their promises to amend.

If the government ensures that the judiciary is not controlled and does not interfere, meaningful improvements will be made. Promoting responsibility and honesty in the judiciary without interference from politics helps secure the dependability of its laws. Moreover, continuing talks among the three branches can help everyone agree that judicial independence is essential for democracy. Despite the historical and ongoing challenges, Pakistan has multiple opportunities to stabilize judicial independence. Transparent judicial appointments, financial autonomy, civil society engagement, international legal standards, and institutional reforms can collectively reduce political interference and create a fairer judicial system. By adopting these opportunities, Pakistan can move toward a judiciary that supports justice and democratic principles without political interference.

Conclusion

Pakistan's judicial independence? Well, it's a tightrope walk. The Constitution is supposed to shield the courts, setting them up for fairness. But, you know, politics can't seem to stay out of it. It's like interference is the name of the game, undermining things constantly. How can the public trust that justice will be unbiased when you've got political hands meddling with who gets appointed as judges, piling on the pressure and the ever-present sway of political heavyweights? It all chips away at confidence. An erosion of trust is the



biggest issue because the appearance of justice being impartial is as essential as justice actually being impartial.

These challenges prevent the judiciary from functioning as a faithful guardian of constitutional rights and the rule of law. Addressing these issues requires detailed reforms, including fair judicial appointments, security of appointment for judges, and financial independence of the judiciary. For the legal system to truly earn back public trust, we need to seriously beef up the institutional safeguards that shield it from political meddling. Judicial independence isn't just some perk for judges; it is really the keystone holding up Pakistan's whole democratic project, not to mention good governance and the fundamental rights we all count on.

Recommendations

Bolstering judicial independence in Pakistan calls for a multi-faceted approach. Foremost is ensuring judicial appointments are transparent. A stronger judicial commission, one that truly prioritizes merit and operates with complete openness, will be key to stopping political meddling in who gets to be a judge. And it's not just about getting the right people in place. You also need to guarantee the security of tenure. Policies protecting judges from arbitrary removal by politicians will go a long way to reinforcing impartiality. It needs to be a core tenet.

Financial autonomy is another crucial issue. Giving the judiciary its independent funding stream reduces its reliance on the executive. The Supreme Judicial Council also needs attention. Reforming it to ensure fair oversight and accountability of judges, without political interference, is paramount for upholding judicial principles. It needs to be a truly impartial body. Furthermore, we need to look at limiting executive influence directly. Amending those legal provisions that currently allow the executive to meddle in judicial affairs—think judge transfers and case assignments—will do much to safeguard independence. It is a crucial step. It's also up to us, the public, to be informed. Boosting public awareness through legal education campaigns helps citizens grasp the value of an independent judiciary in upholding democracy.

Civil society and the media have a significant role to play. Empowering these organizations regarding monitoring the judicial processes will foster accountability. Adopting international best practices is another smart move. Aligning Pakistan's judicial system with international standards, such as those within the ICCPR, gives us a strong framework for maintaining judicial autonomy. No need to reinvent the wheel, really.

Getting digital with things like records and how cases are handled can seriously speed up the paperwork side of things, cutting down on those long waits. Plus, and this is a big plus, it can make it harder for politics to mess with what's going on in court. It's all about making things easier to understand and more out in the open, at least generally speaking. But it's also imperative to get the courts and the lawmakers talking. That back-and-forth can help figure out ways to keep politics from getting in the way of justice, which is essential for maintaining the court's fair and democratic firm. It is not just about judicial independence; it is about democratic stability. It's a partnership, not a fight—even if that sometimes gets lost in the mix.

Research Limitations

Understanding the actual dynamics of judicial independence against the backdrop of political influence in Pakistan presents, as you might expect, some real challenges. One of the most significant issues, and this study underscores it, is gaining access to the kind of



dependable, unbiased data that's essential. Court rulings and, indeed, those moments when political agendas insinuate themselves tend to occur, well, not always in plain view, often influenced by factors that aren't immediately transparent. The thing is, much of the political interplay around the courts happens behind closed doors, which, naturally, makes it considerably difficult to ascertain concrete facts.

Moreover, it's not solely a matter of acquiring raw data, and that's where things get interesting, at least to me. The judicial system's operation is deeply intertwined with Pakistan's unique political environment, its evolving social values, and even its historical trajectory – all continuously in flux. It seems to me that unless we consider all this, we won't understand the accurate picture. Lastly, the control of media narratives and public view on judicial independence introduces personal view in analysis. Given these limitations, the study may rely on secondary sources, legal precedents, and expert opinions, which may not always reflect the complete picture of judicial freedom in Pakistan.

Research Implications

Looking at judicial independence in Pakistan, especially how politics meddles with it, shows some important things about the country's legal system, its politics, and even the significant changes it needs. What is the most important takeaway? We really need a way to pick judges that are clear, based on who's best for the job, and set up to keep politicians from messing around too much. Ensuring, too, the security of tenure for judges and simultaneously enhancing the procedures for judicial accountability is a vital step towards protecting the judiciary from undue external pressures. Public trust, a fragile thing, is impacted by political interference, as the study shows. When the judiciary is compromised, democratic institutions are weakened, and – this is the worst outcome – the very rule of law is compromised. Legal reforms and the building of institutional safeguards are, therefore, essential to promote fairness in the judicial system.

All this brings up bigger questions about how Pakistan is run and how well its democracy is doing. It gives people – politicians, lawyers, regular folks – a place to start when they're pushing for changes that protect the courts and, honestly, make democracy stronger throughout the whole country. It's more than just a start; it's really like the very foundation for it all.

Future Research Directions

Future research on judicial independence and political interference in Pakistan should explore the performance of legal and institutional reforms aimed at minimizing political interference in the judiciary. A relative analysis of judicial systems in other democracies could provide an understanding of best practices for enhancing judicial freedom. Delving deeper, it's also vital to understand how the judiciary is shaped and supported by the very institutions that surround it. Things like the penal system, bar councils, and even legal education. All of these play a role in fostering a truly independent judicial system.

Another area ripe for exploration is this: How do public sentiment and the media's constant narratives influence judges and their rulings? It seems to me that understanding this connection – how political storylines weave their way into judicial decisions – could offer us insights into safeguarding the judicial system from, well, external sway. Looking at how judicial independence actually affects governance quality in Pakistan could give us some pretty practical policy recommendations. By filling in these knowledge gaps, research can help create a judicial framework that is actually strong and that, in most cases, supports the rule of law while ensuring judicial independence within Pakistan.



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