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# Is Pakistan's Judiciary Truely independent or Merely Autonomous in Theory?

## Outline

1. Introduction

1.1 Attention Grabber

1.2 General Statement

1.3 Thesis Statement

The truely independent judiciary of a country works for its social, political, economical, and administrative balance and ensures law and order.

2. Pakistan's judiciary is not independent

3. How Pakistan's judiciary is not truely independent or merely autonomous in theory?

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3.1 Executive and legislature greater influence over judiciary is not independence of Pakistan's judiciary

3.1.1 Role of parliament in judicial appointment under the Article 200 and 175 according to 27th amendments.

3.2 Judiciary work for the interests of Government officials, not a country.

3.2.1 Resignation of two judges of Supreme court against the 27th amendment.

3.3 Establishment of federal Constitutional Court over the Supreme Court. is against the Independency of judiciary.

3.3.1 federal constitutional court will resolve the constitutional issues, inter-provinces disputes.

3.3.2 Decisions of federal constitutional court will be on binding under

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affairs or Environmental challenges by its own will under Article 184(3)

3.7 Selection of Chiefs of Supreme Court by the prime minister and President affects the Pakistan's judiciary

3.7.1 Government appoint judges for their benefits and easily remove the one which create trouble with their decisions.

4. Counter Argument: Judiciary maintains law and Order and Justice for the welfare of a country.

4.1 Judiciary helps in reducing corruption and crimes

4.2 Law and Order in administrative affairs of the country checked by the judiciary.

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# 5- Conclusion.

## The Essay

When Hitler bombed in London and Churchill's government was almost crippled. Then Churchill asked about the working of courts of London, the officials replied that the judiciary is working well. The Churchill exclaimed and said, our courts will not loose England. After the military destruction, the courts worked according to law and Order, and England won, Germany defeated. In every state, Judiciary works for the growth of country in social, economic, and political affairs in every situation. The working of Judiciary determine the stability and welfare of a country. The reason behinds the welfare of developed countries is strong judiciary. Judiciary has checks and balance on every step taken

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by the government. Unfortunately, the judiciary of Pakistan is not independence having checks and balances by the executive and legislature. The main reasons for the lack of independence of Pakistan's judiciary are abolishment of suo-moto power, greater influence of parliment over judiciary and the establishment of federal constitutional court. The appointment of judges, unlimited prestigious for chief of Defence (COD) and president is the main cause that affects the independence of Pakistan's judiciary. Unless the judiciary of Pakistan is independent, the country will not be successful or prosperous.

Firstly, the greater influence of executive and legislature over the judiciary is a big setback for the Pakistan's judiciary independence. The work of legislature and executive is to make laws and implement them effectively. Judiciary can take action

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against any law proved by the parliment and secure the fundamental rights of the citizens. By the changes in constitutions of Pakistan with the help of **27th amendment** passed on **13 Nov, 2025** by the parliment and signed by President. In this amendment, according to **Article 200 and 175**, the executive and legislature have greater influence over judiciary in judicial appointments. Now, the parliment has checks and balances on the actions of Supreme courts. For this purpose, the judiciary works for the interests of parliment. For example, in the case of Tamizuddin, the supreme court Lahore reject this case and forward it to the Supreme Court, Islamabad. The greater influence of Parliment over the judiciary affects the independence of Pakistan's judiciary.

Secondly, the judiciary is controlled by the government and works according to their benefits. The appointment of

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judges of Supreme Court is done by the constitutional bench present in Supreme court. Constitutional bench is established under the **26th amendment** and consists of the members of Parliment. In this way, the appointment of Chief Justice of Supreme Court is according to their own interests. The Chief Justice take every action for the well being of government official, not the country. For example, the resignation of two senios judges of Supreme court including **Mansoor Ali Shah and Justice Athar** against the **27th amendment**. They claimed that the 27th amendment is for the lifetime cruel of Chief of Defence and President, which suffered the people of a country. The judiciary is bounded to the interests of parliment and military senior official, not for the welfare of country. The judiciary of Pakistan is not remained

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independent after the 27th amend-
ment of 1973 constitution of
Pakistan.

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# Is Pakistan's Judiciary Truely independeit or Merely autonomous in Theory?

No

How Pakistan's Judiciary is not truly independent?

- abolishment of suo-moto power under 184(3)
- executive and legislature greater influence over judicial appoint 200 & 175
- establishment of FCC over the SC 199
  - selection of CJs by PM and President
- Constitutional bench for the appoint of JSC from 3 most senior
- Judiciary work for the interests of Govt. → resignations
- Prestigious gained by Chief of defence and President create hurdles in Judiciary work