

Role Of Judiciary In The Politics Of Pakistan: A Case Study Of Military Interference

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Abstract:

Judicial independence is a cornerstone of any democratic society. This study is conducted on primary data comprised of open and closed-ended questions having 360 respondents including 173 students, 82 teachers, 63 lawyers and 42 military. The aim of this analysis is to find the impact of military interference of judicial independence along with considering the other variables such as institutional weakness, political polarization and public engagement. The descriptive statistics is applied for the outlay of data and correlation analysis is done for the examining of significance and interlinked variables. The ordinary least square (OLS) multiple regression is applied in order to get the empirical results. The econometric results shows that military interference and institutional weakness have statistically negative and significant impact on judicial independence. This means that increase in the involvement of military and institutions greatly lowers the judicial independence. The public engagement and political polarization insignificantly affect the judicial independence. Moreover, Chi square test statistics is also applied in order to check the categorical independence between the variables that also exhibit the same results. In all cases, the military interferences play a crucial role in the decisions of judiciary. The findings suggest that the government should strengthen the judiciary autonomy and the military must reshape their territories regarding politics. Finally, media in concern to public engagement should play strategic role in provision of right, authenticate, sound and relevant information to the public for peace and stability in every working institution.

Key Words: *Military interference, Institutional weakness, Political polarization, Public engagement.*

1. Introduction:

Independent judiciary is the foundation of an impartial and constitutionally balanced society. Independence means that the judges and courts can freely make autonomous decisions whether involving influential politicians, governmental officials or ordinary citizens. This ensures decisions are based on the constitution rather than the result of any kind of pressure or favoritism. Independent judicial system serves as a safeguard of the people's rights and freedom. Although, the constitution of Pakistan stipulates an independent judiciary but the

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military has frequently interfered over the years in judicial affairs directly and indirectly, disturbing the very foundation of judicial independence. Consequently, the judiciary in Pakistan has frequently been entrapped in complex power dynamics where impartiality is challenged and the rule of law is compromised. (Sadaf Farooq, 2016)

The judiciary plays an important role in the political system, helping to preserve the separation of powers between the legislative and executive departments. Its main function is to settle legal disagreements and disputes. Pakistan's judiciary is responsible for the country's legal system and has its roots in British India. Resolving conflicts and interpreting the law are its primary duties. (M.Shane, 1995) However, their relationship with the military, which they have frequently supported over democratic ideals, frequently displays some friction. The judiciary is accountable for and in charge of interpreting the law. (Dictionary, 2024) The judiciary is an important branch of government, with a primary responsibility for settling disputes and recognizing the authority of other governmental units. It also handles disagreements and debates about the application of the legal system in certain situations. (Munir, 2022)

Despite playing a crucial role in advancing and defending democracy, Pakistan's judicial system has a complex and tense past with the military establishment. Even in the face of protectionist democratic norms, the judiciary has occasionally acknowledged military participation in politics. The British colonial authorities laid the foundation for Pakistan's post-independence judicial system, which is still essentially in place today. The courts have also been crucial in exposing the illegal actions of military regimes. (Iqra Khalil, 2017) Similarly, courts play a crucial role in strengthening Pakistan's robust democracy, according to the country's founding Chief Justice. On the other hand, Pakistan's first Chief Justice stressed the court's critical role in developing a strong democracy in the nation. However, history demonstrates that the executive branch's encroachment on the judiciary's independence has taken a conflicting turn. During Pakistan's early years of independence, the democratic process of adopting laws was overseen by the Governor General. (Kamran, 2008)

The Important role of the army cannot be denied for the defence of Pakistan from external threats especially India which has a shared border with Pakistan. However, a series of military interventions in the political and constitutional developments hurt the integrity and solidarity of Pakistan. Article 2A of the 1973 Constitution, which is based on the 1949 Objective resolution, says that "That state shall implement its authority via the elected representatives of the people". Unfortunately, numerous military interventions not only deprived the rights of the people to elect their representatives according to their own will, but they also used different unlawful sources to expand their era of regime. They even did not work to make radical amendments to the Constitution (The text of Objectives Resolution 1949).

The judiciary in Pakistan occupies a critical position within the country's political framework, often acting as a balancing force amid pervasive military dominance and political instability. Since its inception in 1947, Pakistan has experienced cycles of democratic governments and military rule. The judiciary is often caught in the tension between these two forces. Judicial independence is ideally the cornerstone of democratic society which has been frequently tested and compromised by external pressure. Historically, the military has exerted significant pressure on the judiciary, shaping its role and undermining its independence. This study examines judicial independence as an endogenous variable while military interference, institutional weakness, political polarization and public engagement are exogenous variables.

Judicial independence is recognized as an important component of democratic governance which enables the judiciary to uphold the rule of law free from external pressures. In Pakistan, the judiciary is expected to uphold the rule of law and maintain the separation of powers between the executive, legislative, and judicial branches, however, its independence has been repeatedly compromised by military influence and political dynamics. Since its independence, Pakistan's judiciary has operated within a system inherited from British India, which provided

a formal legal structure but left significant gaps in checks and balances. These gaps have often been exploited by the military, which has intermittently ruled Pakistan and maintained considerable influence over political processes, justifying interventions under the guise of restoring stability. This recurring military interference undermines the judiciary's independence, hampers democratic processes, and erodes public trust in the judicial system. Furthermore, political polarization has sometimes paradoxically allowed the judiciary temporary autonomy, as rival political factions view it as a neutral arbiter; however, this independence is often fragile and short-lived. Public engagement, meanwhile, has been limited in influencing judicial independence, constrained by low political literacy, limited access to justice, and public disillusionment. This research therefore examines the impact of military interference, institutional weaknesses, political polarization, and public engagement on judicial independence, aiming to provide empirical insights into the complex socio-political and structural factors that challenge the judiciary's role as a guardian of democracy in Pakistan.

Research Questions:

The following research questions are important to answer:

1. How does the military interference affect the judicial independence of Pakistan?
2. How does the institutional weakness affect the judicial independence of Pakistan?
3. How does the political polarization affect the judicial independence of Pakistan?
4. How the public engagement affect the judicial independence of Pakistan?

Objectives of the Study:

The study objectives are:

1. To access the outcome of military interference in the judicial independence of Pakistan.
2. To analyze the effect of the political polarization on the judicial independence of Pakistan.
3. To identify the impact of Institutional weakness on the judicial independence of Pakistan.
4. To explore the influence of public engagement in the judicial independence of Pakistan.

Hypothesis of the study:

These are the null hypotheses of the study conducted for all the independent variables such as:
H1: There is no statistically significant impact of military interference on the judicial independence of Pakistan.

H2: There is no statistically significant impact of the Political Polarization on judicial independence of Pakistan.

H3: There is no statistically significant impact of the Institutional weaknesses on the judicial independence of Pakistan.

H4: There is no statistically significant impact of Public engagement on judicial independence of Pakistan.

The role of the judiciary can influence the military takeover in Pakistan, which is crucial for the country's political, social, and economic elevation. Historically, the judiciary and courts have played a significant role in supporting or challenging the influence of military rule in critical times. Therefore, it is pertinent to renew the policies and strengthen the power of the judiciary with legal and just checks and balances without political interference. Unfortunately, from the very beginning, we could not learn lessons from the harsh times when the nation couldn't create a balance of power in the government structure. As a result, the judiciary has lost its role in maintaining democracy. This research will highlight the importance of judicial independence and promote accountability and transparency in governance it also suggests

effective policies and practical recommendations that safeguard judicial autonomy and prevent military interference.

2. Review of literature

Ali Ahmed et al., "Military Dominance in Post-Colonial States; A Case Study of Pakistan."(2023). In the very beginning era, Pakistan faced many hurdles and one of the main ones was the weakness of the political institutions due to which the military built its dominance and waged war against the democracy successfully and ruled directly for almost half of the independence period. This article discusses the reason behind military dominance and gives suggestions on how to control military dominance without hurting the confidence of the people in the military.

Naheed kishwar. "Major Political Faultiness and Political Landscape of Pakistan." (2024). studied that Pakistan's politics have long been influenced by military rule and complex issues. The military has often intervened in politics, leading to coups and interrupting civilian governments. This article aims to analyze the army's role in Pakistan's political and constitutional development, especially how courts have validated various military coups. It also looks at recent constitutional amendments and court judgments to see how far the judiciary can go to prevent future military intervention in Pakistan's politics.

Shamshad Muhammad et al., "From Restoration to Activism: A Case of Judiciary in Pakistan, 2007-18."(2022). examines how bureaucracy, politicians, and the elite's meddling hindered Pakistan's judiciary's ability to administer justice from the time of its founding in 1947. Numerous unconstitutional reforms resulting from this influence damaged Pakistan's reputation as a democratic nation. The judiciary required over sixty years to start regaining its standing as an impartial body.

3. Data sources and methodology

This study uses qualitative and quantitative methods to explore the judiciary's role in Pakistan's military takeover, seeking to clarify the complex dynamics at play. Through a comprehensive questionnaire with open-ended and close-ended questions, the research gathers in-depth insights from various stakeholders, including military personnel, legal professionals, students, educators, and other political experts who know about the topic. This method gives respondents the opportunity to express their ideas, opinions, and experiences in great detail, offering many perspectives on the function of the judiciary. To further deepen our understanding, the research has also thoroughly evaluated the secondary materials, such as books, articles, journals, court decisions, records, reports, and publications. Political polarization and its effects on judicial decision-making, the extent and character of military interference, institutional strengths and weaknesses that affect the judiciary's resistance or submission to military influence, the democratic context and its impact on the judiciary's role, and societal factors like public opinion and civil society activism that shape.

The study concentrates on a particular set of people who are knowledgeable and skilled in the area of study. The 'population' of the study comprises lawyers from Havelain and Abbottabad, as well as students and instructors from postgraduate institutions in these regions, such as AUST University. This population consists of both men and women with pertinent training and experience, offering a varied and knowledgeable pool of study participants. 82 Teachers, 174 Students, 63 Lawyers and 42 Military officers comprised of total 360 sample is analyzed.

Random sampling has been used to carry out this study in the Havelian city, Kunj, and Cantt areas of the Abbottabad District. The renowned Abbottabad University of Science and Technology, a government postgraduate college for girls, a government postgraduate college for boys, and bar courts are all located in the Havelian city as well as Abbot law College of Abbottabad. Participants from Government Post Graduate College No. 1 Abbottabad and

Government Post Graduate No. 1 Abbottabad JMC in the Kunj region will also be included in the study. We hope to collect a representative and varied sample of 360 people by carrying out the survey in these regions, which has given us a thorough grasp of the research topic.

This study is conducted by the method of online and offline surveys. The Google Forms are employed for gathering wide range of opinions and views of people that is suitable and effective. Besides, this study also adopted open-ended questionnaires for deeper insights of respondents' experiences. Hence, primary data is made available via online and offline surveys efficiently.

In current study, random sampling technique is utilized for selecting sample from entire population. This technique is applied in order to get accurate and reliable results. This investigation uses random sampling to choose teachers, students, army personnel and lawyers from different extents so that findings are not inadequate to a particular group or area. This way, investigators can get a more inclusive understanding of the subjects matter and experiments related to our research topic. This study custom random sampling is directed to make certain that our study is fair, impartial, and representative of the large population. This procedure ensures the precise and generalized results that are important for making well-versed decisions and emergent elucidations.

This research is procedure by an arrangement of both qualitative and quantitative approaches to get a more whole depiction of the topic. The open-ended questions are given for knowing the opinions and experiences in detail while close-ended questions has provided numerical information. Together by these questionnaires a comprehensive comparison of results have been generalized for every detailed findings that are more consistent and valid. The both approaches such as qualitative and quantitative provides rich insight of understanding of the research topic and develop sound solutions that considers the different aspects of the subject matter of the research.

This analysis uses various statistical test in order to get wide range of results that depicts a clear picture of the research. First of all, descriptive analysis is used to summarize the outlay of the data. This technique uses mean, maximum, minimum and skewness of the data. Then, correlation analysis is employed to investigate the relationship between judicial independence and military interference, political polarization, institutional weakness and public engagement. Furthermore, multiple regression analysis are used to empirically investigate the impact of these variables one by one. Finally, Chi square test is applied individually on each independent variable. The results are generalized for each relation to dependent variable. Hence, from main outlay to depth analysis is carried out for the current research study.

Regression analysis measures the nature and extent of the relationship between two or more variables, thus enabling us to make predictions. Regression is the measure of the average relationship between two or more variables. Regression analysis is a statistical method used to predict the unknown value of one variable (the dependent variable) based on the known values of other variables (independent variables). It helps in understanding the relationship between two or more variables. In this case, regression analysis can be used to explore how Judicial Independence (JI) is affected by four key factors: Military Interference (MI), Political Polarization (PP), Institutional Weakness (IW), and Public Engagement (PE). This method allows us to see the impact of each factor on judicial independence while considering the influence of the others.

For example, the study might show that when military interference increases, judicial independence declines. On the other hand, it could also find that weaker institutions are linked to greater judicial independence. Understanding these patterns can help uncover the factors that influence judicial independence in Pakistan and guide efforts to make the judiciary more autonomous and effective. Here's a possible regression equation:

$$JI = \beta_0 + \beta_1(MI) + \beta_2(PP) + \beta_3(IW) + \beta_4(PE) + \varepsilon_i$$

The equation can be read as Judicial Independence is a function of Military Interference, Political Polarization, Institutional Weakness, and Public Engagement, plus random error.

4. DATA FINDINGS AND ANALYSIS

The first test descriptive analysis shows the overall outlay of the variables considered in the research (See Table 01). In the first variable judicial independence has an average or mean value is 2.146 for 360 numbers of observations. This means that the 2.146/5 response shows that, the level of judicial independence of Pakistan is high. The second variable military interference shows an average value of 3.962/5 or 79percent of responses of sample 360 indicating an average or mean value of military interference is 79percent or simply indicating that the military has a significant influence on political decisions and intervention in political affairs, shapes the political outcomes by making a public statement and overthrows the democratically elected governments.

The mean value of political polarization is 3.500/5 or 76 percent of responses shows extremely high political polarization, involvement in political discussions having importance of ideology as well as frequent heated arguments or altercations. The next variable shows the weakness of the institutions of Pakistan. An average or mean value is 4.159 or 83 percent of the respondents agreed, that the political institutions are extremely involved in corruption, fail to enforce rules and regulations, manipulate the decisions for personal gain as well as have no accountability or checks and balances. The next variable is Public engagement. The mean value of this variable is 3.619 or 72 percent of the responses indicating the important role of the public, social media, and civil society as well as public protest and demonstration for public expressions

Table 01: DESCRIPTIVE STATISTICS

Variables	Mean	Std. Deviation	N
Judicial Independence	2.146	0.7052	360
Military Interference	3.962	0.6918	360
Political polarization	3.5	0.4088	360
Institutional weakness	4.159	0.4821	360
Public Engagement	3.619	0.6999	360

Correlation shows the relationship or association between two variables (See Table: 02). The relation can be positive or negative. The second test shows the correlation matrix that shows associations between the considered variables i.e. judicial independence, military interference, political polarization, institutional weakness and public engagement. The correlation matrix shows 1 to 1 relationship between all the considered variables. First military interference and judiciary independence shows that there is a strong but negative correlation between military interference and judiciary independence it means that increases in military interference decrease judiciary independence. The second variable political polarization and judiciary independence has a negative but weak correlation that is significant at one per cent. This linkage shows that an increase in political polarization decreases the independence of the judiciary. The next relationship between political polarization and military interference shows a strong and positive relationship between political polarization and military interference that is significant at five percent it means that increase in political polarization increases the military interference in the country.

The next variable is institutional weakness. The correlation matrix shows that there is a strong but negative correlation between institutional weakness and judiciary independence that is

significant at 5percent. The result shows that an increase in institutional weakness decreases the independence of the judiciary however institutional weakness and military interference have a strong and positive relationship that is significant at 5percent. This correlation shows that an increase in institutional weakness increases military interference In addition institutional weakness and political polarization have a weak but positive relationship that is significant at 5percent. This means that an increase in institutional weakness increases political polarization. The final variable is public engagement which shows a negative but insignificant relationship with judiciary independence however political engagement towards military interference political polarization and institutional weakness have a positive as well as significant association The correlation mattress shows that increase in public engagement increases the military interference that is significant at 5percent more increase in public engagement towards political polarization shows a strong and positive correlation that is significant at 5percent this indicates that increase in public engagement increases the political polarization. Thus, public engagement and institutional weakness show a strong association. Finally, public engagement and institutional business show positive association between two variables that is significant at one percent which means that increasing public engagement will increase the institutional weakness of the nation. The overall correlation matrix shows that Judiciary Independence is negatively and significantly associated towards military interference political polarization institutional weakness as well as public engagement. In contrast, military interference is positively and significantly associated with political polarization institutional weakness and public engagement and finally political polarization is significantly and positively associated with institutional weakness and public engagement summing up institutional weakness and public engagement are significantly and positively associated.

Table 02: CORRELATION MATRIX

	JI	MI	PP	IW	PE
JI	1				
MI	-.647**	1			
PP	-.120*	.320**	1		
IW	-.426**	.411**	.186**	1	
PE	-0.033	.150**	.456**	.711*	1
* Correlation is significant at the 0.01 level					
** Correlation is significant at the 0.05 level					

The third table is a multiple regression analysis (See Table: 03). It is carried out to access the empirical impact of all the independence variables on the dependent variable such that judicial independence the first variable is military interference.

a.MILITARY INTERFERENCE

The econometric results of regression analysis show that if there is a 1 percent increase in military interference the judicial Independence will be decreased by -0.611 percent that is significant at 1 percent. This means that increase in the military interference decreases the judiciary independence. Pakistan has struggled with democracy due to conflicts among these institutions. Throughout its history, military and bureaucratic establishments, with judicial support, have repeatedly dissolved elected assemblies. Democratic governments have also often failed to meet people's expectations, yet the citizens continue to elect representatives with fresh hope. (Muhammad Zain ul Abidin, 2023) Judicial activism in political affairs began with the Maulvi Tammizuddin case and continues today. These landmark cases in Pakistan's

political and constitutional history show why the judiciary became significant and put itself in a critical position. Here some decisions of the judiciary will be discussed which strangled democracy and made way for the army.

i. The case of Molvi Tameez Uddin

The judicial decision on the Molvi Tameez Uddin was unfortunate for us because the Law of Necessity was introduced the first time. The Governor General at that time was Gulam Muhammad and when he came to know that the assembly was voting of no confidence against him, someone advised him to dissolve the assembly. However, the law at that time was the same as it is even now when the notice of no confidence motion is received, the assembly can not be dissolved after that, however, he dissolved it. Molvi Tameez Uddin was the speaker at that time he filed the petition in Sindh High Court. The Sindh High Court dismissed that petition and ordered to close the Molvi Tameez Uddin case and not only declared Governor General Gulam Muhammad's order null and void but also reinstated the constitution-making assembly. (Naveed, 2023)

Governor General Gulam Muhammad challenged the Sindh High Court decision in the Supreme Court. The case of Molvi Tameez Uddin was in the hands of his lawyer DM Pert and Governor-General Gulam Muhammad was being advocated by Sir Ivor Jennings. The appeal went to the Supreme Court Justice Munir was there after listening to the lawyers he set aside the order of the Sindh High Court and the order of Gulam Muhammad remained intact, and the assembly dissolved. The situation of the country getting worse and Justice Munir was criticized by lawyers, the public and in the newspapers and it is going on till today. (Sajjad Ahmad, 2019) There were three characters behind this story the Governor General, Justice Munir and General Ayub Khan. When the first chief justice of Pakistan Mian Abdul Rasheed retired preparations were made for the appointment of Bengali judge Justice ASM Ikram in terms of seniority but Governor General Gulam Muhammad and General Ayub Khan completely opposed this appointment. This was the time when General Ayub blocked the path of Bengali judge ASM Ikram and appointed his friend Junior Judge Justice Munir as chief justice Just 9 years of independence Justice Munir the judge of the Supreme Court said that Pakistan should not be called an independent country and Governor General Gulam Muhammad the representative of the British crown is everything parliament has no standing in front of them. (Muhammad Zain ul Abidin M. A., 2023) The Molvi Tameez Uddin case was an assembly case, it was a simple case to achieve justice against the dissolution of the assembly, Gulam Muhammad's actions were completely illegal. Assembly was dissolved after the decision of Justice Munir moreover 40 laws were also repealed due to which the member of the state was severely affected and the country was plunged into a major crisis. In this situation, an ordinance has been issued and the governor general has been given some extraordinary powers, which has further worsened the country's situation, it seems as if everything is being controlled by the military. (Khan, 2001)

ii. The Doctrine of Necessity

Whatever happened during various times like instability and judicial crises etc. it happened because of the case which was Munir's vision The Law of Necessity. (Naveed, 2023). The Martial Law was considered a legal and justifiable action by the judgment of the Supreme Court, which had continuously affected the political and social history of Pakistan. Consequently, it paved the way for the upcoming Martial Law in the country This verdict of the Supreme Court gave the potential to military institutions to intervene in the political institutions of Pakistan for instance, the political intervention of General Yahya (1967), General Zia-ul-Haq (1979), and General Pervez Musharraf (1999). (McGrath, 2001)

Moreover, the verdict has weakened the power of courts and judiciary to hear the appeals submitted against the cases and actions of the federal government. In this case, the strong executive has once again bowed down to the judiciary in front of it, which makes the courts and judges the puppet in the hands of the executive branch. All in all, the verdict has not only

abrogated the 1956 constitution, but it also has upset the agreements between East and West Pakistan; which were resolved after a long struggle under the 1956 constitution. (Munir A. I., 2023)

b. POLITICAL POLARIZATION

The next variable is political polarization. The statistical result of the regression model shows that if there is a 1percent increase in political polarization, the judiciary independence will be increased by 0.158percent which is significant at 5percent. This shows that an increase in political polarization increases the judiciary independence. Political polarization is the process where ideological differences lead people to harbor distrust and dislike toward those with different political views or party affiliations. (Prinz, 2021)

Pakistan's political environment is highly polarized, with fragmentary political parties like the PML-N, PPP, and PTI striving for power. This polarization reduces the ability of any single political existence to dominate the judiciary, allowing the judiciary to emerge as an independent power center that settles disputes among these parties. Opposition parties, when out of power, often appeal to the judiciary to challenge the ruling party or military, reinforcing the judiciary's role as an independent mediator. (Shakeel, 2023) Political polarization has led to regular inter-institutional conflicts, particularly between civilian governments and the military. The judiciary, seeking to maintain its relevancy and authority, has declared its independence by intervening in these conflicts, often siding with one institution against another, thereby strengthening its independent role. In a politically polarized environment, the judiciary has located itself as a defender of constitutionalism and public interest, gaining popular support. (Rahim, 2023)

The driving factors like media effect, economic disparity, and political polarization leads to jurisdictional gridlock, destruction of democratic customs, and increased conflict, posing significant encounters to democratic governance and social solidity. The findings of the research signpost that political polarization has a statistically significant impact on judicial independence. The political polarization in Pakistan is mainly a top-down phenomenon, determined by the actions and chronicles of political elites. These elites shape public discourse, inducing the attitudes and opinions of the people. (Raja Amir Hanif, 2024)

The primary cause of polarization in Pakistan is the lack of political consensus among major parties, evident in their inability to cooperate even on national security issues. After the ouster of Imran Khan from his office through a no-confidence motion, polarization has augmented, with political elites focused on dividing society along spiritual, cultural, and political lines. The rise of inflammatory speeches, an offensive culture, and weaponization of social media, has deepened the societal gaps. This intolerance has headed to violence in political assemblies, while mainstream media and the Internet has further intensified the polarization, by limiting space for the productive debates and collaboration. (Tariq, 2022)

A latest example from Pakistan, everywhere political polarization has amplified the judicial independence, is the role of Supreme Court in the 2022 political crisis, foremost up to the exiling of then-Prime Minister Imran Khan. This case validates how the judiciary asserted itself as an independent institution during intense political polarization between the ruling Pakistan Tehreek- e-Insaf (PTI) and the opposition alliance, known as the Pakistan Democratic Movement (PDM). Pakistan, in 2022, experienced one of its most polarizing political crises as the Prime Minister Imran Khan, faced increasing opposition from a coalition of political parties under the PDM umbrella, which included the Pakistan People's Party (PPP) and Pakistan Muslim League-Nawaz (PML-N), among others. The opposition accused Imran Khan's government for economic crises, totalitarianism, and overreach into other state institutions. Resultantly, in March 2022 the opposition filed a no-confidence motion in the National Assembly to remove Khan from his office. Political polarization deepened as Khan accused

the opposition of conspiring with foreign powers, particularly the United States (USA), to destabilize his government. (Reporter, 2022)

iii. The No-Confidence Motion and Constitutional Crisis

The key events include The No-Confidence Motion and Constitutional Crisis. The National Assembly was set to vote on the no-confidence motion on April 3, 2022. However, the Deputy Speaker, Qasim Suri, rejected the motion, referencing Article 5 of the Constitution, which addresses allegiance to the state. He argued that the motion was part of a foreign conspiracy, which made the vote invalid. This triggered an immediate uproar from the opposition, who accused the PTI of undermining the Constitution to hold on to power. Following this, Imran Khan recommended to President Arif Alvi that he dissolve the National Assembly and call for new elections, which the President swiftly acted on. This move intensified the crisis because the opposition argued that the dissolution was unconstitutional to bypass the democratic process of the no-confidence vote. Moreover, Judicial Intervention: The Supreme Court's Decision. In the midst of this intense political polarization, the Supreme Court of Pakistan was called upon to resolve the constitutional crisis. The opposition filed a plea challenging the dismissal of the no-confidence motion and the subsequent dissolution of the National Assembly. The court's interference was crucial in maintaining constitutional order during this highly charged political deadlock. The Chief Justice Supreme Court Umar Ata Bandial took immediate notice of the situation. The court summoned top legal representatives in a five-day hearing from both the opposition and the government. The judiciary throughout the proceedings demonstrated its independence by questioning both sides and focusing strictly on constitutional explanations rather than political arguments. (Asrar Nadim, 2022)

In spite of intense pressure from both the government and the opposition the court maintained its neutrality. It abstained from engaging in the political narrative of foreign conspiracies, instead concentrating on the legality of the Deputy Speaker's ruling and the President's decision to dissolve the assembly. This strengthened the court's role as a non-partisan arbiter during political polarization. The Supreme Court delivered a unanimous verdict On April 7, 2022, declaring that the dismissal of the no-confidence motion and the dissolution of the National Assembly were illegal and unconstitutional. The court ordered the immediate restoration of the National Assembly and directed that the no confidence vote shall take place without any further procrastination. This ruling was significant for several reasons. Firstly, it reasserted the supremacy of the Constitution, affirming that no political party could bypass the democratic process. Secondly, the court rejected the government's argument that a foreign conspiracy justified the dismissal of the no-confidence motion, in this manner reinforcing judicial independence from the executive's political narrative. Lastly, the ruling also set a precedent for future political crises, emphasizing that any constitutional violation, would be subject to judicial review and correction. (Sherani, 2022)

iv. PANAMA Papers Case

According to Article 62(1)(f) of the Constitution of Pakistan, Mian Nawaz Sharif was disqualified from holding office as Prime Minister and Member of the National Assembly. Moreover, National Accountability Bureau (NAB) ordered to initiate legal proceedings against the Sharif family. Supreme Court also disqualifies Mr. Jahangir Khan Tareen from holding public office in Hanif Abbasi vs Jahangir Khan Tareen. This was a 2017 momentous decision by the Supreme Court of Pakistan that disqualified Nawaz Sharif from holding political office for life. This ruling showcased the judiciary's ability to act independently despite the political polarization or ruling party pressure. (Sadozai, 2023)

Cases like the most highlighted one The Panama Papers Case, Toshakhana case, PTI's electoral symbol issue, and the numerous bail decisions in favor of Khan showcase how the judiciary has upheld its neutrality in spite of immense political pressure from both sides. These decisions align with the idea that augmented political polarization leads to increase judicial

independence, as courts must resolve the complex political settings and adhere sternly to constitutional philosophies in the face of growing political clash.

b. INSTITUTIONAL WEAKNESS

The next variable is the institutional weakness which shows negative impacts on judicial independence. The coefficient of regression analysis in the case of institutional weakness shows that if there is a one percent increase in institutional weakness there will be 0.294percent decrease in judicial Independence which is significant at 1percent. Institutional weakness is the inability of institutions to effectively enforce rules or influence behavior, leading to ineffective governance and instability. (Steven Levitsky, 2009)

In Pakistan also there are different institutions to run the state affairs. Their role and boundaries are clearly mentioned in the constitution as not to overlap with other statutory bodies. But unfortunately, in our country's constitution is merely a piece of paper, every institution tries to interfere with other institution's roles by crossing its boundaries. This institutional irregularity not only creates problems for the public but also weakens the power of the judicial system. This weakness has led to a power vacuum that is often filled by non-democratic forces, particularly the military, which has historically played a dominant role in Pakistan's political landscape. (Daniel M. Brinks, 2019)

i. The Legacy of Institutional Weakness

In Pakistan, the roots of institutional weakness can be traced back to its formative years. Pakistan faced significant challenges in establishing a stable political and institutional framework after independence in 1947. The early departure of founding leaders like Quaid Azam and Liaquat Ali Khan left a leadership void that was filled by a series of fragile governments. This institutional fragility was compounded by the frequent military interventions that began with the first coup d'état in 1958. (Umair Javed, 2018)

The military's repeated interventions in civilian governance have not only disrupted the democratic process but have also weakened the development of strong, autonomous institutions. Pakistan's history of alternating between weak civilian rule and military regimes has led to an institutional imbalance, particularly with the judiciary's co-option by the military. Beginning in 1988, this imbalance allowed the judiciary to uphold presidential orders that dissolved federal and provincial assemblies, undermining representative institutions. Throughout the 1990s, the judiciary's political involvement compromised its impartiality and independence, further entrenching authoritarianism in Pakistan. (Sadia Mahmood Falki, 2022)

Due to frequent military interventions, the Parliament has often been weak, short-lived, or nonexistent, especially under provisions like Article 58(2b), which allowed the President to dissolve the National Assembly. Despite these challenges, Pakistan's Parliament is still working to regain its sovereignty and build a strong institutional identity. (Mufti, 2023) A recent example from Pakistan, where the parliament has been criticized for its weakened state. The election of members to both the National Assembly and the Senate often involves allegations of corruption, vote-buying, and manipulation. This has led to a scenario where the parliament is unable to exert its full constitutional role, thereby weakening the legislative oversight over other branches of government, including the judiciary. Pakistan's military has established itself as the most powerful institution, influencing major policies and resisting civilian interference in its affairs. These actions have slowed down Pakistan's democratic progress and worsened existing problems, such as weak governance and economic struggles. (Shevani, 2021)

In many countries where the military is a strong institution, its influence can extend beyond its traditional role of national defense. When the military intervenes in political and judicial processes, it can severely compromise judicial independence. The military's strength as an institution allows it to exert pressure on judges and influence judicial outcomes, which undermines the rule of law and erodes public confidence in the judiciary. (Maria Dakolias, 2000)

A stark example of this can again be found in Pakistan. The military has historically played a significant role in the country's politics, often stepping beyond its constitutional mandate. There have been several instances where the military has allegedly influenced judicial decisions, particularly in cases involving political leaders. A remarkable example is the judicial proceedings against former PM Nawaz Sharif. Nawaz Sharif was disqualified by the Supreme Court of Pakistan on charges related to the Panama Papers leak in 2017. Many analysts argued that the military played a behind-the-scenes role in shaping the outcome of the case, as Sharif had been at odds with the military establishment. For more than half of Pakistan's 77-year history, the country has been under military rule, with five occasions of extra-constitutional emergencies and martial law regimes, during which the constitution was either abrogated or suspended. Under these regimes, the judiciary suffered significant damage. Military dictators curtailed the courts' jurisdiction, arbitrarily removed judges, interfered in judicial proceedings, and undermined the judiciary's credibility. Moreover, they introduced harmful changes to the constitutional structure of the judiciary, further eroding its independence and integrity. (Shah, 2009)

2.1.2 Recent Scenario of Institutional Weakness

The judiciary itself can be a weak institution, especially in environments where political and military interference is rampant. In such a scenario, judicial decisions are often predictable, not based on law and evidence, but on the anticipated desires of powerful actors. In Pakistan, the judiciary's weakness has become apparent in several high-profile cases. For instance, many legal experts and observers predicted the outcome of cases involving Imran Khan and his PTI party long before the judicial process had concluded. In 2023, when the Election Commission of Pakistan disqualified Imran Khan from contesting elections and prohibited the use of PTI's electoral symbol, the "bat," in the 2024 elections, many political analysts and legal experts had already anticipated this decision. (Sharma, 2024)

The abduction of Imran Khan from the court area by the Rangers serves as a stark example of the weak state of judicial independence in Pakistan. This incident highlights the extent to which the judiciary is undermined by powerful institutions as a prominent political figure was forcibly taken from a place that should symbolize the rule of law. Another example includes the handling of corruption cases against political leaders. Over the years, there have been numerous cases where the judiciary has been accused of being influenced by political or military pressures, leading to decisions that appear to lack impartiality. This has led to a public perception that judicial decisions can be foretold based on the political climate or the preferences of powerful institutions rather than on the merits of the case. (Malik, 2024)

The missing persons issue in Pakistan is being framed as a serious human rights and anti-state narrative in Pakistan by the relatives as well as lobbies associated with the missing persons. Missing persons are the people who disappear without any information to their families who generally assume that they might have been abducted or eliminated by the law enforcement agencies (LEAs). A missing persons commission was constituted under a retired judge to find out the facts but that commission is unable to find any progress due to excessive power of intelligence agencies. Same is the case with supreme Court. Supreme Court also ordered agencies many times to bring those missing persons in a court of law and let the court decide whether these people are guilty or not. However, there has been zero implementation of SC orders due to the power of agencies and the weakness of other institutions like the police and parliament. (Desk, 2024)

Pakistan is a country with a very weak structure of democracy mainly due to the nature of our nation and the shortcuts of our political leaders. For this purpose, every government make fake cases over opposition to keep them in jail. When these cases go to court. First of all, judges are already compromised or pressurized not to hear the case on merit but if by fortunate there is a sincere judge who gives an order on merit then you will not find institutions powerful enough

to implement that order properly. Hence tit for tat continues. Currently, we saw an example of the Punjab KPK election that SC passed the order to hold an early election in two provinces but authorities were not strong enough to go against the will of the establishment. The interference of the court in parliament jurisdiction is denting the country very badly. This thing not only weakens the authority of the court but also challenges the authority of parliament which should be held supreme in a democratic country. Currently, we have seen some cases like 63(A) and special quota seats that it looked like the constitution has been rewrite by SC which wasn't its authority. (Reporter, SC suo motu ruling: Key points from split verdict on Punjab, KP polls, 2023)

The case of Justice Shaukat Siddiqui (2018) indicates that the institutions of law, governance, and military are weakened due to their interference in each other. For Instance, Justice Siddiqui criticized the military and intelligence agencies as they were politically interfering in governance and judicial matters; after which Justice Siddiqui was dismissed by the president of Pakistan. Here, in this case, the executive and legislative branches can't protect the judiciary from the political interference of the military (Bhatti, 2024)

Studied concluded that this institutional weakness and overlapping dented the functions of the country very badly. Every institution should abide the boundaries mentioned in the constitution and respect each other's domain to make the country progressive and developing. The interaction between weak institutions, such as parliament and the judiciary, and strong institutions like the military, can create a vicious cycle that undermines judicial independence and, by extension, the rule of law.

5. PUBLIC ENGAGEMENT

Finally, public engagement shows that if there is a 1percent increase in public engagement judicial independence will be increased by 0.039 percent although it is insignificant. The political climate during Zulfiqar Ali Bhutto's execution was different from the strong public engagement we often see today. At that time, public engagement was less pronounced, and the judiciary was more vulnerable to influence by the military regime. This influence compromised the judicial independence that played a significant role in Bhutto's controversial execution

The judiciary's decisions were in the interests of the ruling military regime rather than being unbiased and independent. In the absence of strong public engagement, the military had a more direct and unchallenged influence over the judiciary. Thus, the execution of Zulfiqar Ali Bhutto serves as a prime example of how the judiciary's independence can be compromised in the absence of public engagement. (Hossain, 2024)

i. The Case of Z.A Bhutto vs Imran Khan

This case highlights the importance of a balanced and independent judiciary to ensure justice and fairness in legal proceedings. The case of Imran Khan indeed differs from Zulfiqar Ali Bhutto's situation, particularly in terms of public engagement and judicial independence. Today, Pakistan experiences a high level of public awareness and engagement, with strong divisions between different political factions and significant public debate. This engagement can impact the judiciary's role and decisions, often making it harder for any single entity to exert influence over judicial proceedings. The comparison between the political contexts during Zulfiqar Ali Bhutto's and Imran Khan's eras in Pakistan underscores the significant impact of public engagement on judicial independence. During Bhutto's time, low public engagement enabled the military to exercise considerable influence over the judiciary, culminating in Bhutto's execution. On the other hand, the current high level of political public engagement has fostered a judiciary that strives for independence, evident in several legal decisions favoring Imran Khan. Overall, public engagement in Pakistan today serves as a crucial factor in maintaining judicial independence and mitigating undue military intervention in legal processes. (Khan M. , 2014)

The constant value shows that if all the Independence variables are kept constant are have zero

beta coefficients even then a 1percent increase in constant value judicial Independence changes by 5.097percent which is significant at 1percent. The R^2 shows the coefficient of the determination or goodness of figures. Here R^2 shows that if all the dependent variables change by 1percent, the dependent variable that is judicial independence is changed by 46percent.F value shows the overall stability of the model that is having a value of 76.050 and is significant at 1percent. The value of the Durbin Watson is 1.759 approximately approaching 2 which indicates that there is no issue of autocorrelation in the variables.

Table 03: MULTIPLE REGRESSION ORDINARY LEAST SQUARE (OLS)

Multiple Regression: OLS			
Dependent Variable	Judicial Independence		
Variables	Coefficient	St. Error	t.value
Constant (β_0)	5.097*	0.31	16.459
Military Interference(β_1)	-0.611*	0.045	-13.507
Political Polarization(β_2)	0.158**	0.079	1.999
Institutional weakness(β_3)	-0.294*	0.063	-4.696
Public Engagement(β_4)	0.039	0.044	0.893
Adjusted R Square	0.679	Durbin Watson	1.751
R-Square	0.461	F-Change	76.050
* Correlation is significant at the 0.01 level (99percent)			
**Correlation is significant at the 0.05 level (95percent)			

The final Chi-square test is applied to check the independence of the categories of professions like 173 students, 82 teachers, 63 lawyers and 42 military respondents. The Chi-square use three different test statistics like Pearson, likelihood and linear by linear method that shows the significance or independence of each category. The averages are calculated for each variable (see Table: 04) for the required responses. The results show that the sample’s respondents have the opinion that 67.7 percent of military interference has a significant influence on judicial independence. The next variable political polarization shows that the sample’s respondents have the opinion that 52.1 percent political polarization has a significant influence on judicial independence. In addition, the institutional weakness shows that the sample’s respondents have an opinion that 60.7 percent of institutional weakness has a significant influence on judicial independence. And finally, public engagement shows that the sample’s respondents have the opinion that 68.8 percent of public engagement has a significant influence on judicial independence.

Table 04: CHI-SQUARE TEST

Variables	Military Interference	Political Polarization	Institutional Weakness	Public Engagement
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Percentage	67.7	52.1	60.7	68.8
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4. CONCLUSION AND RECOMMENDATIONS

4.1 Conclusion

Judicial independence is a cornerstone of any democratic society. It ensures that the judiciary operates fairly without any kind of pressure from other branches of government. In Pakistan, the role of judiciary in politics has been profoundly shaped and influenced by its relationship with the military, political institutions, and societal dynamics. This research aimed to explore the complex relationship between the judiciary and military interference in Pakistan's political landscape. Through the application of descriptive statistics, correlation analysis, and the Ordinary Least Squares (OLS) model, the study provided significant insights into how various factors influence judicial independence in the country. These findings highlight that military interference (MI) has a negative relationship with judicial independence. This interference has caused situations where the judiciary either supported military governments or was unable to stand up against unfair actions, which has reduced its independence.

Similarly, institutional weaknesses (IW) negatively impact judicial independence. The study highlights that weak institutions characterized by corruption, inefficiency, and lack of accountability further diminish the judiciary's capacity to function independently. When institutions are fragile it leads to judiciary vulnerable to manipulation by political and military elites, which in turn hinders the development of a robust rule of law. In Pakistan, where institutions like the legislature, executive, and judiciary have historically struggled with autonomy, this finding reinforces the need for comprehensive reforms to strengthen institutional frameworks and safeguard judicial independence. In contrast, the analysis shows that public engagement (PE) does not significantly influence judicial independence in Pakistan. It means that the public opinion and activism may help shape political conversations but they do not strongly affect the judiciary's autonomy in Pakistan. The model's R-square value of 46percent show a moderate goodness-of-fit, meaning that the independent variables—military interference, institutional weaknesses, political polarization, and public engagement—explain 46percent of the variation in judicial independence. This indicates that while these variables are significant but there are likely other factors which are not included in the model that can also influence judicial independence. Moreover, the Durbin- Watson test shows no autocorrelation in the data, which means the model's residuals are not serially correlated. This strengthens the reliability of the findings and the robustness of the analysis.

In short, this study sheds light on the key factors affecting judicial independence in Pakistan. It highlights that military interference and institutional weakness hinder the judiciary's autonomy. However, during the times of intense political polarization, the judiciary can act as a neutral and more independent autonomous body. Even though public involvement did not show a significant impact, the findings emphasize the need for urgent structural reforms.

4.2 Recommendations

Following are the recommendations to enhance the judiciary's role and autonomy within Pakistan's political landscape: 1. Strengthen Judicial sovereignty: Encourage the legal protections to protect the judicial freedom by preventing the military interference during the appointment of judges. 2. The separation of power among the three main bodies judiciary, parliament, and senate, which means that the senate and parliament should appoint the judges on merit. As a result, the judges will be competent and independent without any political or

military pressure.3..Launch public campaigns to enhance the political awareness among the people, and the appointment of the judiciary should be public to the front of the citizens.4.Empower the democratic norms and build a legal framework which should make the military accountable for interfering in the civilian judicial affairs. Thus, it will reduce the military direct or indirect influence in the civilian government and judicial autonomy.5.Inspire the political parties to reduce the polarization by adopting inclusive, democratic, and public cantered policies and norms.6.The military's political role in the legal issues of the country should be seen through the lens of democratic institutions and the constitution of the country. Therefore, it will strengthen the democratic norms and allow the civilian bodies to function independently.7.The political dependency of the civilian government bodies on the military institutions should be reduced by constitutional reforms which can create more stable and resilient political scenario.8.Build up public engagement and participation in the political bodies and judicial process to secure the log-term accountability and judicial autonomy. Thus, such recommendations will reduce military's direct or indirect intervention in the civilian government bodies, increase the judicial sovereignty, and boost the political and democratic stability in Pakistan. These recommendations aim to create a strong and independent judiciary, limit military influence, and strengthen democratic values, all of which are crucial for ensuring political stability and effective governance in Pakistan.

4.3 Future Study

This study emphases specifically on judicial independence and military interference in Pakistan. However, other substantial factors like corruption, structural reforms, and the way judges are appointed also play an important role in shaping judicial decisions. These are areas that could be explored further in future studies.

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