



---

## **Judicial Crisis during Musharraf Regime: An Analysis**

Tajammal Hussain Chattha,<sup>1</sup> & Syed Akmal Hussain Shah<sup>2</sup>

### **Abstract:**

The objective of this study is to highlight the judicial crises during Musharraf regime 1999-2008. This study focuses on the decisions of the government regarding the judiciary during Musharraf regime (1999-2008). The October 1999 coup of General Pervez Musharraf and the suspension of the 1973 Constitution and the imposition of emergency were validated by the judiciary under the law of necessity. The military takeover put the judiciary under pressure. Chief Justice, Iftikhar Chaudhry, took some bold steps of public interest litigation which were seen as a threat to Musharraf's military rule and as a result, Iftikhar Chaudhry was deposed by Musharraf. But the judiciary tried to reverse the trend through judicial activism and challenged the extra-constitutional steps of the military dictator. This was a sensational episode in the judicial history of Pakistan. A countrywide lawyers' movement was launched for the restoration of judiciary and the end of military rule. The movement succeeded in the restoration of the judiciary and the culmination of military rule. This can be termed as the re-emergence of judiciary in a military led political environment.

**Key Words:** Pakistan, judiciary, dictatorship, judicial crises, lawyers' movement, military coup

### **INTRODUCTION**

The role of the judiciary in Pakistan has always remain complicated. The role of judiciary has always been treated as a separate entity with compare contaminated machinations of government. General Pervez Musharraf, removed Mian Muhammad Nawaz Sharif from the seat of Prime Minister of Pakistan on October 12, 1999 (Naazer, Mahmood, & Shehzad, 2019). He also targeted judiciary twice; first in January 2000 (Naazer, Kundi, & Farooq, 2018) and then in March 2007 by removing Iftikhar Chaudhry, the then Chief Justice of Pakistan in 2007 (Newberg 1995, 18-23). This was one of the major crises that the Musharraf administration had to deal with. It was, at its core, a crisis of the centralized military regime's legitimacy. Even in Pakistan, removing a chief justice by order was

---

<sup>1</sup> PhD Scholar, Department of History & Pakistan Studies, International Islamic University, Islamabad, Pakistan. Email: tajammal.chattha@iiu.edu.pk

<sup>2</sup> Assistant Professor, Department of History & Pakistan Studies, International Islamic University, Islamabad. Email: akmal.hussain@iiu.edu.pk

unthinkable. The catalyst, however, was Chaudhry's bravery. For the first time in Pakistani history, a chief justice did not blink as he stared a general in the eyes. This gave the people the courage to demonstrate in defence of the law and democracy's most basic principles (Khan, 2010).

### LITERATURE REVIEW

There is abundance of literature on judiciary, military and general politics in Pakistan. Scholars from Pakistan as well as abroad have written on the role of judiciary in Pakistan. However, an effort has been made to discuss all the major scholarly works on the subject. Lawrence Ziring's *Pakistan in the Twentieth Century* focused on politics and discusses constitutions and elections. Other aspects of this book is turbulent history of Pakistan wars and military operations, provincial and local politics, economics, religious and ethnic identities (Ziring, 2007). His approach is very high and it is very hard to distinguish interpretation from description, however, his own prejudices are not always clear. According to Allen Mc Grath author of the *Destruction of Pakistan's Democracy*, when Munir denied the existence of the Assembly's sovereignty, he destroyed Pakistan's existing constitutional basis. He did further harm when he did not indicate where sovereignty resided. He thereby created a vacuum which was an opportunity for Ghulam Mohammed. The absence of a constitutional base is a harm which has lived in Pakistan since Ghulam Mohammad left office (McGrath, 1996).

The work of Shuja Nawaz *Crossed Swords Pakistan its army and the war within*, says that Pakistan's history is the history of its army since its creation. Only Pakistan's Army is an institution which remained the center of gravity of Pakistan (Nawaz, 2008). Shuja Nawaz's book throws light on the belief system and the internal rivalries, which affect this army's role as the main determinant of Pakistan's polity and policies. The conclusion from this remarkable book portrays the indispensability of the army to any political arrangement in Pakistan. Veteran politician Asghar Khan in his book: *Generals in Politics: Pakistan 1958-1982*, looks at the role of military rulers in politics from Ayub Khan's martial law through secession of East Pakistan under Yahya Khan to the early days of Zai-ul-Haq. Admitting the force of his argument, its internal factors should be kept in mind such as, socioeconomic reforms, liberalization, and rule of law, institutional reforms, guarantee of fundamental rights, independence of judiciary etc. which need to be dealt as precondition for democracy. Finally, one will fully agree with the author's observation that the involvement of the armed forces in the political life of a country in any manner is fraught with grave dangers and must be avoided (Khan, 1983).

Mian, Ajmal book's "A Judge Speaks Out" covers some highly important events in the judicial history of Pakistan, significantly the development of the conflict between Chief Justice Sajjad Ali Shah and Prime Minister Nawaz Sharif followed by the storming of the Supreme Court of Pakistan. It also discusses some of the landmark judgments rendered by the author, including the Separation of the Judiciary from the Executive; Eighth Constitutional Amendment; the Judges' Case etc. (Ajmal, 2004). Sajjad Ali Shah describes in his book *Law Courts in a Glass House* that Supreme Court Justice Sajjad Ali Shah was about to reach a major constitutional decision when Legislators of the ruling Muslim League Party stormed the Supreme Court in Pakistan, physically preventing him from delivering judgment. Here, Shah provides the judiciary's version of this bizarre episode, shedding new light on Pakistani history, law, and politics. The Chief Justice's legal battle with the former Prime Minister Nawaz Sharif has been documented in detail and makes engrossing reading (Shah, 2001).

## **METHODOLOGY AND ORGANIZATION**

The methodology adopted in the research work is qualitative. The research has been conducted in historical method because this method is an attempt to discover the facts about judiciary Crises in Pakistan Particularly in Musharraf Regime. The validity of this approach in academia is well established. To accomplish a sound research work, hunt for the relevant material and documents has been made. An important aspect of the study was the extensive use of the electronic media and internet sources and even a more significant aspect is the conduct of interviews from the experts on the topic added to the credibility of the study. It is hoped that this study has provided a new dimension in the future research work on Pakistan's judiciary.

## **HISTORY PERSPECTIVE**

The crises of judiciary in Pakistan is traced back to the Federal Court decision in the case of Moulvi Tamizuddin Khan, which was consist of mainly three verdicts. The very first and foremost was the case itself. Secondly, the verdict followed by the decision in the case of Usif Patel, and finally the verdict in the governor general's allusion in 1955 (Anwar, 2006). Under the doctrine of necessity, Justice Munir justified the then-governor general Ghulam Muhammad's unconstitutional act. As a result, dictators such as Iskandar Mirza, Ayub Khan, Yahya Khan, Zia ul Haq, and Pervez Musharraf suited intensely tangled in Pakistani politics (Hussain 2007, 132). The same ideologies that directed the Supreme Court's judgment in 1955 were later used to validate Pakistan's first direct military involvement (Jalal, 1995).

Sikander Mirza, the President of Pakistan revoked the Constitution of Pakistan 1956 and dissolved the national and provincial assemblies on October 7, 1958. The military takeover was validated by the court during the hearing of these routine appeals, which held a fruitful upheaval d'état is a lawful process of altering a constitution. The foremost decision is only six pages long. The court did not think it was essential to enlist the help of senior direction as an amicus curiae (Jalal, 1995). In the reference of Governor General, the federal court's decision in 1955 was the foundation for the case of Begum Nusrat Bhutto, which authorized General Zia ul Haq's appropriation of control. There was no unorthodox view this time. "General Zia uttered his reliance in the judiciary's freedom and neutrality, as well as its acquaintance with "the demands of justice and the conditions within the country and democratic dictates" (Jalal, 1995, 53). On the basis of the law of necessity, the court backed the martial law government.

Ghulam Ishaq Khan took control of the responsibility of the President of Pakistan after the death of General Zia in August 1988, as well as the court's verdict to grip party-based elections, altered the political landscape. Nonetheless, the state's administrative powers needed to be clarified, and the courts were asked to help facilitate a smooth bureaucratic transition. Ishaq Khan implicated the judiciary in its efforts to eliminate opposition when references filed against the Pakistan People's Party government (Jalal, 1995).

With Musharraf's takeover in October 1999, a new period of military rule began as a result of controversies and differences of view between Prime Minister Nawaz Sharif and Musharraf (Jones 2002, 55). Musharraf sought legitimacy through political leadership after assuming power. He enacted constitutional provisions to ensure checks and balances in key institutions and bureaucracies, as well as to establish an institutional framework for the military's formal

participation in decision-making (Rizvi 2003, 11). When Musharraf took power in October 1999, a new era of military government began as a consequence of disputes and disagreements among Prime Minister Nawaz Sharif and Musharraf. Musharraf pursued legality through political governance after coming to power. He ratified legitimate requirements to confirm checks and balances in key institutions and bureaucracies and to provide an institutional framework for the military's formal participation in decision-making.

### **Validating Military Government/ Justifying Military Rule of Law**

Almost immediately after the military takeover, Pakistan began publicizing proposal set by its previous martial rules and Sanction by the High Court. Military Interventions have been repeatedly validated by Pakistan's higher judiciary, as constitutional modifications that have basically changed the lawful and political system. The judiciary has relied on the weak argument that the army's involvement could be vindicated because of the pressing need for political stability to protect the constitution through the "doctrine of state necessity." This doctrine was first established in three cases in the Federal Court in 1955 to justify a titular head of state's extra-constitutional dismissal of the legislature. The Supreme Court upheld General Ayub Khan's declaration of martial law in 1958, General Zia ul Haq's coup in 1977, and General Pervez Musharraf's coup in 1999, all based on precedent set by those decisions. While these decisions by the Supreme Court granted military regimes a legal status, hence, repeated military interventions have hampered the growth of civilian institutions and moderate political parties and forces (Rizvi 2003, 11).

The case of Zafar Ali Shah v Pervez Musharraf (2000) was decided by a reconstituted Supreme Court, which upheld the coup on the basis of the doctrine of state necessity. The military regime was given unrestricted powers by the Court, including the ability to amend the constitution. The court, advised the military regime to hold general elections within three years of the coup (Abbas, & Jasim, 2009, 8). In the Zafar Ali Shah case, the Supreme Court ruled, in part:

That the 1973 constitution still remains the supreme law of the land subject to the condition that certain thereof have been held in abeyance on account of state necessity...[and] that the supreme court continue to function under the constitution. The mere fact that the judges of the superior courts have taken the new oath under the Oath of Office (judges) Order No. 1 of 2000, does not in any manner derogate from this position, as the courts had been originally established under the 1973 constitution, and have continued in their functions in spite of the proclamation of emergency and PCO No. 1 of 1999 and other legislative instructions issued by the chief executive from time to time (Khan, 2010).

### **Altercation between Musharraf and Chaudhry Iftikhar**

Iftikhar Chaudhry was appointed Chief Justice of the Supreme Court of Pakistan in June 2005. He had previously served as a PCO judge in 1999. He did, however, change his mind over time. To lend national and international legitimacy to the system, courts developed doctrinal and ideological explanations for constitutional aberrations. While expanding judicial power, Chaudhry's Court diverged from them (Ghias 2010, 14-18).

The Chief Justice of the Supreme Court took suo motu actions, needing the government to clarify and, in some cases, contrary some actions that the court deemed to be detrimental to the general

public interest (Razvi 2009, 94). General Musharraf was approved the right to govern for three years after Chaudhry took the allegiance oath and was one of the two remaining judges on the bench (Isa, 2007). However, after Musharraf appointed him, Chaudhry made changes to the Court. He started making concerted efforts to improve the Court's efficiency and reduce the backlog of cases. Between 2005 and 2007, Chaudhry significantly increased the amount of 'public interest litigation' before the Court petitions and suo motu actions that the Court hears to prevent abuse of power, misuse of authority, or arbitrary or malafide acts and decisions by authorities including large-scale investigations in politically contentious cases (Supreme Court, 2006).

The government decided to privatise Pakistan Steel Mills Corporation (PSMC) and issued a letter of acceptance to a consortium consisting of Arif Habib Group of Companies, Al-Tauwaiqi Group of Companies, and Russia's Magnitogorsk Iron and Steel Works. At a price of Rs. 16.80 per share, this consortium was declared the winning bidder. A number of petitions were filed in Pakistan's Supreme Court challenging the privatization. The privatization of PSMC was halted by a nine-member Supreme Court bench after a thorough hearing. For the first time, the judiciary overturned a major decision made by the Musharraf administration. It stopped a vital national asset from being sold for a pittance (Supreme Court, 2006).

There were a few major scandals in 2005-06. Sugar mill owners, including a chief minister and a number of federal ministers, who made billions of rupees, were the center of the sugar scandal. This scandal prompted the National Accountability Bureau to open an investigation, but it was quickly shelved provided that it would destabilize the industry. When the government demanded that foreign oil companies return billions of rupees in excess profits for failing to pass on the benefits of international oil price reductions to consumers, the companies threatened to leave the country, and the government fell silent (Supreme Court, 2006). The Supreme Court intervened to thoroughly examine the deal.

The Indian Supreme Court, which has a long history of public interest litigation, may have also influenced the Supreme Court. By using Indian case law in public interest litigation, the Pakistani petitioners were expanding the scope of jurisprudence. This trend is evidenced by the use of Indian precedents, such as *S. P. Gupta* in the PSM case. During this time, the two governments also took a number of confidence-building measures in an attempt to de-escalate tensions. Various levels of government, including the judiciary, were participating in exchange programmes. Pakistani high court judges visited India in 2005 and met with Chief Justice Y. K. Sabharwal of the Indian Supreme Court. These exchange programmes may have cultivated an epistemic community (Haas. 1992) and fueled or validated public-interest litigation in Pakistan. In addition, the Pakistani media covered the Indian Supreme Court's role in urban issues. In the cultural context of Pakistan's obsession with comparison to India, a columnist stated, "What India can do, perhaps Pakistan can do even better now, with enlightenment and moderation at the fore" on the issue of public interest litigation. Another commentator criticised the Supreme Court's case backlog, saying, "India, with seven times the population and no less criminal or litigious than ours, has only 26, but the cases on its roster are fewer (Haas. 1992)."

In another case, Pakistan's Supreme Court ordered the government to provide information about missing people who were allegedly abducted by security forces. "If they (security agencies) are not answerable to any ministry, they are certainly and surely answerable to this court (Haas. 1992) said

Justice Javed Iqbal, who presided over a three-member Supreme Court bench. Since Pakistan joined the US-led war on terrorism in 2001, at least 400 people have vanished, according to the Human Rights Commission of Pakistan (HRCP). Despite government officials' repeated denials that the government played a role in the disappearances, many disappeared people have been released from state custody. Baluchistan and Sindh are said to account for the majority of the victims. According to HRCP, 170 people from Baluchistan and 70 from Sindh were among the 242 people still missing as of December 12, 2006 (Haas. 1992).

When Musharraf decided to run for re-election as president in uniform for the next term, the situation became tensed. On November 3, 2007, he suspended sixty judges from Pakistan's higher courts, including Chief Justice Iftikhar Chaudhry for the second time. Prior to November 3, the judiciary had not made a decision on the dual office issue. On technical grounds, it had dismissed petitions challenging General Musharraf's right to run for president as non-maintainable. "Being an army chief, General Musharraf cannot contest presidential elections; he cannot file nomination papers, said Aitzaz Ahsan, a prominent lawyer who was one of the three constitutional advisers to the Supreme Court (Gall and Masood, 2007). He hoped to avoid a negative Supreme Court ruling on petitions challenging his candidacy for a second term in office.

### **Removal of Chief Justice**

Musharraf deposed Pakistan's Chief Justice, Iftikhar Muhammad Chaudhry, on charges of corruption. The acting Chief Justice has been named Justice Javed Iqbal. Although Justice Bhagwandas was the most senior judge at the time, but he was out of the country. Article 209 of the Constitution justified all of these actions (Constitution, 1973). Opposition leaders, members of the bar, lawyers, and the general public, on the other hand, denounced President Musharraf's action. This was similar to the Maulvi Tamizuddin Khan case, which paved the way for Pakistan's democratic erosion. The charges against Justice Chaudhry were primarily based on a letter written by advocate Naeem Bokhari. Bokhari accused the Chief Justice of announcing decisions in court and then giving an opposite decision in a written judgment, insulting and intimidating lawyers, insisting on ostentatious protocol, and using expensive cars and planes in a letter dated February 16, 2007. He also forced appointing authorities to choose his son for a position in the bureaucracy without due consideration (Bokhari, 2007). The President's reference against the Chief Justice centered on allegations that the Chief Justice used his clout to help his son advance his career, first in medicine and then in law enforcement. It was also claimed that the Chief Justice had more cars than he was entitled to, and that he demanded protocol that had never been given to a Chief Justice before. He was also said to have frequently demanded the use of governors' or chief ministers' aircraft (Bokhari, 2007).

### **The Lawyers Movement**

There were two stages to the lawyers' movement. First, the Supreme Court asserted its independence and gained credibility, prompting lawyer for streets protest. Second, nationwide protests were organized by a broad coalition of lawyers, political parties, and other organizations in response to executive overreach. This section goes over each of these phases in detail before discussing the media's crucial role in facilitating protest throughout the movement. After a while, the lawyers began to branch out and accept support from other civil society organizations. After

March 9, 2007, lawyers in Lahore began meeting once a week at the Lahore High Court with representatives from professional trade organizations, labour unions, and political parties to plan protests.

Ghazala Minallah described how a protest group known simply as Civil Society arose from a letter she wrote to a newspaper editor shortly after the Chief Justice was fired (Bokhari, 2007). During the early months of the lawyers' movement, Chaudhry persuaded many Pakistanis that at least one prominent lawyer was willing, if not yet capable, of serving as a watchdog against governmental abuses (Sengupta, 2007).

Following the removal of the Chief Justice, a nationwide movement for judicial independence was launched. The lawyers' movement was the most significant. Following Chief Justice Iftikhar Chaudhry's removal from office, Supreme Court lawyers Munir Malik, Tariq Mehmood, Aitzaz Ahsan, and Ali Ahmed Kurd launched the movement on March 9, 2007. They were active in the movement and helped to unite the lawyers (Khan, 2010). According to a newspaper editorial:

The legal system has almost ground to a halt in the face of [the judges issue], and the lawyers of the lower courts have been engaged for eighteen months concerning the matters related to people at least importance. The lawyers' street demonstration was also exploited by some Islamist political forces. They joined the lawyers' movement and struggling for acquiring popular legitimacy and thus to promote their own agenda. Different religious groups such as members of the *Jamia Hafsa Madrasa* and other religious groups joined the 'long march' of the lawyers from Karachi to Islamabad in June 2008. The suggestion by the All Pakistan High Court Bar Association to lock courtrooms was not actually proposed by the bar leadership but by the rightist religious party, Jamaat-e-Islami (Khan, 2010).

The immediate goal was to restore the Chief Justice, but it was not an end in itself. The lawyers sought his restoration not as a personal victory for him, but as a vindication of other more important goals including; the rule of law, judicial independence, democratic process restoration, military subordination to elected civilian authority, protection of people's fundamental rights, and holding the government accountable. They were successful on July 20, 2007, when military government restored the chief justice. However, after July 20, 2007, demonstrations continued to be held to achieve the desired results. The lawyers' goal of restoring Pakistan's chief justice was not a single one, rather a long one that required sacrifice, patience, and perseverance (khan, 2010). Musharraf's removal and the restoration of a democratic government were now their main objectives. The lawyers demanded that PCO judges be fired and that deposed judges be reinstated (Khan, 2010).

In June 2008, the military government passed a budget bill that increased the bench's strength from 18 to 29 judges to accommodate the current judges. The government's decision was also criticised by lawyers. The government gradually reinstated the sacked judges while keeping the PCO judges. Several lawyers argued that removing the PCO judges by executive order would be illegal, and that the presence of the judges on the bench would be better addressed by a restored Supreme Court. The bar associations struggled to maintain unity and public support, especially since several sacked judges returned to the bench after accepting the government's chosen restoration mechanism (International Crises Group, 2008).

According to I.A. Rehman, Director of Pakistan's Human Rights Commission, the leaders were unable to decide whether their protest was in the form of a trade union strike or a political movement for change. If the first scenario is correct, the risk of continuing the judges' and lawyers' struggle should not be overlooked. It is critical in such struggles to assess whether the protest should be ended and rigidity replaced with pragmatism. If the protest falls into the second category, a strategy that is recommended for long-term political movements should be implemented. The lawyers' movement was also beset by financial difficulties. Members of the movement boycotted the courts after martial law was imposed, and their practice suffered as a result, particularly in small towns. Due to financial and other issues, however, a complete boycott was not possible to maintain. "The constant agitation in the streets, innumerable bar meetings, and occasional hunger strikes and general strikes have virtually destroyed the practices of many lawyers, according to an analyst. In many cases, the public has grown tired of litigation and has stopped filing lawsuits" (International Crises Group, 2008).

During the clashes, lawyers and journalists were beaten and arrested. Musharraf's re-election as president was aided by the lawyers' protest. They attempted to exert pressure on the Election Commission, which was reviewing presidential nomination papers. Lawyers who had campaigned for months against the chief justice's dismissal in March 2007 were out in force on the streets once more. As the march began, police blocked their path from the Supreme Court to the Election Commission. Officers retaliated by throwing stones, firing tear gas, and then charging and beating protesters. A large number of lawyers and journalists were hurt. A number of lawyers have been detained. They claimed Musharraf lacked the legal authority to run for president (Gall, 2007).

In September 2007, courts in some Punjab districts were closed. This tainted the movement's credibility and popularity. There were controversies and disagreements in the movement. The movement's leadership, including the SCBA (Supreme Court Bar Association) and the Pakistan Bar Council (PBC), were split on who should lead the movement. Nonetheless, the legal community remained a powerful lobbying force. "I would like the judges to be restored," a prominent lawyer said, "but that is not my main issue right now." My main concern is the restoration of the 1973 constitution, as well as the removal of all Musharraf-era additions." Some lawyers claimed that by demanding the overthrow of the elected government and taking illegal actions such as shutting down the courts, they were undermining rather than bolstering the rule of law and the democratic transition. President Musharraf proposed a constitutional amendment under the PCO in November 2007 to limit the Supreme Court's suo motu powers. The Pakistan Supreme Court and the High Courts, on the other hand, continued to exercise their authority (Gall, 2007).

Former Prime Ministers Benazir Bhutto and Nawaz Sharif attempted but failed to visit Chaudhry. On November 11, 2007, Bhutto attempted a visit. Security personnel stood in her way. On December 5, 2007, police prevented Nawaz Sharif from meeting Chaudhry. To prevent the meeting, a large contingent of police surrounded the Judges Colony and barricaded all entry points with barbed wire and concrete barricades (Dawn, 2008).

Human Rights Organizations from all over the world backed the lawyers' cause. The military government came under increased pressure as leading lawyers and bar associations demanded the reinstatement of the deposed Chief Justice. For his efforts to maintain the legal system's basic commitment to freedom, justice, and equality, deposed Chief Justice Chaudhry Iftikhar was awarded



the prestigious "Medal of Freedom" at Harvard Law School for the third time in history. As a symbol of the movement for judicial independence in Pakistan, the New York City Bar Association granted Justice Chaudhry honorary membership. The Chief Justice Chaudhry was also named Lawyer of the Year by the National Law Journal in New York for 2007. The judiciary's independence has been recognized by a number of international institutions, including Articles 10 and 14 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR).

The media played an important role in the movement and proved to be impervious to government repression. Several television channels were blocked during the state of emergency. The activists began agitation and used substitutes such as YouTube, Flickr, homemade blogs, and other websites to present videos, pictures, and stories of protests and police crackdowns, as well as communicated details and descriptions via cell phone text messages.

In addition, the civil society was active. The reality was quite different, as evidenced by the March 9, 2008 anniversary protests and the popular success of the 'Long March' on June 1, 2008. The civil society's basic and unspoken demand was for the reinstatement of Chief Justice Chaudhry Iftikhar and other deposed judges, as well as the removal of the so-called "PCO judges." The protection of human rights, civil and political rights, as well as social and economic rights, is impossible without the independence of the judiciary. According to a former president of the Supreme Court Bar Council, Pakistan's courts are currently dealing with over 1.5 million cases. The lawyers went on strike and boycotted the 'PCO justice,' which was financially detrimental to them, but their brave commitment was part of a substantive claim of a state right for Pakistan (International Bar Association, 200p).

## CONCLUSION

Throughout Pakistan's history, the judiciary has been under the control of dictators, according to the current study. For the first time, Chaudhry Iftikhar took a stand against the status quo forces and fought for judicial independence. The struggle for judicial independence and the restoration of Chief Justice Iftikhar Chaudhry marked a watershed moment in Pakistan's judicial history. There were a number of obstacles in the way, but the legal community, human rights activists, the media, and civil society played a critical role in ensuring a fair and impartial judiciary. In 2007 and 2008, the lawyers' movement was socially transformative in terms of strengthening the judicial system. In the end, it resulted in legal advancements and widespread judicial institution legitimacy. The reinstatement of Chief Justice Chaudhry in March 2009 represents a significant opportunity for Pakistan's judiciary, signaling the start of a new path toward judicial independence.

## References:

- Abbas, A., & Jasam, S. (2009). *A ray of hope: The case of lawyers' movement in Pakistan*. Heinrich-Boll-Stiftung.
- Ajmal, M. (2004). *A judge speaks out*. Oxford University Press.
- Anwar, K. (2006, May 7). The state and judicial idealism under the shadow of 'doctrine of necessity'. *Daily Dawn*.
- Bokhari, Naeem. (2007, Feb. 16). Open Letter to Chief Justice Iftikhar Muhammad Chaudhry. *The News*.
- Gall, C., & Masood, S. (2007). Musharraf files papers for election in Pakistan. *New York Times*.

- Ghias, S. A. (2010). Miscarriages of chief justice: Judicial power and the legal complex in Pakistan under Musharraf. *Law and Social Inquiry*, 35(4), 985-1022.
- Haas, M. (1992). Introduction: Epistemic communities and international policy coordination. *International Organization*, 46(1), 1-85.
- Human Rights Watch. (2007). Pakistan destroying legality, Pakistan cracks down on lawyers and judges. Vol. 19, No.19 (C). New York.
- Hussain, S. I. (2007). *Pakistan: A proud nation but a failing state*. Lahore: Humanity International.
- Isa, Qazi Faez. (2007, Mar. 17). The judiciary at the receiving end. *Daily Dawn*.
- Jalal, A. (1995). Democracy and authoritarianism in South Asia: A comparative and historical perspective. Cambridge University Press.
- Jones, O. B. (2002). *Pakistan: Eye of the storm*. Vanguard.
- Khan, H. (2010). Constitutional and political history of Pakistan. Oxford University Press.
- McGrath, A. (1996). *The destruction of Democracy in Pakistan*. Oxford University Press.
- Naazer, M. A. Mahmood, A., Shehzad, H. (2019). Civil and political rights situation during Musharraf Era (1999-2004). *The Journal of Political Science*, 37, 167-86.
- Naazer, M. A., Kundi, M. A., & Farooq, S. (2018, Jan.-Mar.). Assault on independence of judiciary in a federal state: A study of Musharraf Era (1999-2004). *The Dialogue*, 13(1), 71-84.
- Newberg, R. P. (1995). Judging the state: Courts and constitutional politics in Pakistan. Cambridge University Press, 18-23.
- Razvi, M. (2009). *Musharraf: The years in power*. New Delhi: Harper Collins Publisher.
- Rizvi, H. A. (2003). *Military, state and society in Pakistan*. Sang- e-Meel Publications.
- Sengupta, S. (2007, Jul. 21). Musharraf loses fight over suspension of judge. *New York Times*.
- Ziring, L. (2007). *Pakistan in the twentieth century: A political history*. Oxford University Press.

Date of Publication	April 10, 2023
---------------------	----------------