

Judicial Independence in Pakistan: Myth, Model, or Moving Target?

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The concept of judicial independence in Pakistan is often used as a constitutional ideal but it is contested as being dealing as an operational fact. The research draws parallels between de jure protection and de facto autonomy in critical episodes of constitutional warfare, rivalry over appointments, and high-salience adjudication, using a mixed-methods design that combines doctrinal analysis, qualitative content analysis, and episode-based mapping (2005-2025). The results indicate that although Pakistan's constitutional system provides substantial formal protection, the different realms of independence vary over time and across subject matters. The main factors that contribute to volatility are politicized appointments and leadership choices; internal judicial politics (particularly bench composition and case assignment); and legitimacy pressures increased by judicial activism and compliance challenges. The article claims that deepening independence should be achieved through stabilizing operational rules and incentives rather than the reiteration of constitutional ideals.

1. Introduction

Judicial independence is the power of courts and judges to make decisions without fairness to any person, institution, or government force or by extortion of elected officials or coercion by other institutions, great power of wealth or power of the influential, and without manipulation by the administrative system. It is important since the rule of law relies on a credible adjudication: when the judicial rulings are seen as being managed, constitutional rights are at stake, remedies are seen as questionable, and separation of power is seen to fail in executing its mandate as an executive. Independence is not just an ideal in the constitution; but it is an operational requirement of reasonable government, foreseeable resolution of disputes, and plausible restraints over government power (Bustos Gisbert, 2022).

Judicial independence in Pakistan is an especially challenging case study to evaluate due to constitutional pledges of judicial independence, since political figures achieve this through a politically volatile system of governmental change, party extreme political polarization, and civil-military relationships that define the larger landscape of authority. Judicial discretion is highly visible and hotly contested by courts being incessantly drawn into the controversies of election, accountability and high-salience constitutional litigation. Under these conditions of a hybrid-regime, legal mobilization may protect judicial independence and at the same time impose pressure on judges to be political referees and not political umpires (Khan, 2023). The institutional environment thus creates a wave of tensions: courts can assert their independence and still become involved in the politics of governance that intensifies the motivation of political actors to manipulate appointments, case management, or regimes of judicial conduct.

Recent studies indicate that the most significant threats to judicial independence may not manifest themselves in a form of direct influence but through institutional means, which alter the incentives and constraints. Pakistan has evidence on appointment design that is associated with quantifiable shifts in judicial conduct and the rule-of-law performance (Mehmood, 2022). The other work law has mutual interactions between the government and the courts using material inducements that may incline decisions to favor the state (Mehmood and Ali, 2024). In a more general sense, comparative research indicates the potential to reduce the distance between constitutional text and actual compliance by the adoption of court-curbing strategies, such as court-packing, manipulation of jurisdiction, and other administrative interventions (Kosař & Šipulová, 2023; Callais & Mkrtchian, 2024).

Moreover, the regulation of judicial discipline and in-house systems of accountability may also guard independence or offer ways of pressure, depending on how they are designed and exercised (Huchchanavar, 2022). Case assignment and forum manipulation at the micro-level can also bend neutrality as well in the form of selecting which disputes go to which judges, and the inner governance of the court is key to independence (Kahan & McKenzie, 2021). These processes can be heard in the broader literature on judicial independence in democratic backsliding in which courts are the subject of systematic attempts to undermine checks and balances (Scheppele, 2025). In these terms, judicial independence in Pakistan does not seem to be so much of established institutional status quo but rather that of a contested balance that is

socialized by relation to the interaction of appointment system, internal administration, external pressure and popular legitimacy over time.

The present article is centred on the Supreme Court and High Courts of Pakistan as the primary arenas of independence assertion and contention though the specialized accountability forums only to the degree that they shed light on judicial-executive relations in a broader approach. It takes a critical episode's approach (around 2005 to 2025) to represent significant changes in constitutional adjudication, court administration, and politically relevant litigation. The literature review places Pakistan in the context of recent debates on judicial autonomy and institutional erosion after 2020; the methodology describes the rationale of episode-selection and de jure -de facto comparison approach; the results find patterns recurring across episodes; the discussion discusses the patterns within the framework of the so-called myth, model, moving target frame; the conclusion outlines the evidence-related reform priorities.

The aim of this article is to answer the question of why judicial independence in Pakistan is constitutionally legitimized but actively challenged with much hypothesis on the core issue of whether it is legitimizing rhetoric (myth), a stabilizing institutional design (model) or a changing and contentious equilibrium (moving target). Its intentions and purposes are to determine periodic differences between the formal guarantees and lived autonomy, to locate those political and institutional forces that enhance or take away strength of independence, and to find whether the tendencies observed indicate convergence, decay, or oscillation. To this end, it poses the following question: (1) how judicial independence is defined and safeguarded in the legal framework of Pakistan, (2) which political and institutional dynamics are relevant to establish the actual judicial independence, (3) whether the tendency of improvement, decline, or instability of the same could be observed over time, and (4) which reforms would be most likely to increase the judicial independence and its legitimacy. The importance of the study in view of its contribution to scholarly work in judicial politics in the context of hybrid regimes and its policy implication in terms of the debate on reforms in appointments, discipline, allocation of cases and management of the court.

2. Literature Review

The concept of judicial independence is often considered to be multi-layered in the sense that it is what the law offers, but what politics can authorize. One of the most common differentiations is between de jure independence (constitutional/legal protections) and de facto independence (real insulation against influence and retribution). Recent comparative work operationalizes this gap, and it demonstrates that in most systems there are promises without delivery with written safeguards that are greater than the autonomy they enact in reality (Hayo & Voigt, 2023). There is also a second difference between decisional independence (freedom in which individual cases are discounted) and institutional independence (control of budgets, administration, personnel, and internal governance). The concept of independence also should be accompanied by accountability: the courts need to be free to make lawful decisions, yet be held to accountable by way of transparent ethics, open-ended reasoning, and procedurally equitable discipline. Regulatory approaches underline that accountability mechanisms may

stress the support or control, based on their design and application (Huchchanavar, 2022a; Huchchanavar, 2022b).

Two lenses predominate the modern descriptions of the variations in independence over time and issue zones. First, principal agency models view courts as agents whose independence is determined by rules of appointment, monitoring and punishment. Empirical data indicate that appointment design can have a quantitative impact on the rule-of-law outcomes and aligns with the theoretical notion that political principals can seek to regulate judicial agents by using selection and career incentives (Mehmood, 2022). Second, the strategic, legitimacy-oriented models assume judges as participants that are sensitive to audiences, who are executives, legislatures, bars, media, and publics, whose good will determines adherence and survival. Democratic backsliding Work The problem of weakening independence through delegitimization campaigns and insidious pressures that impact incentives without necessarily modifying constitutional texts is also highlighted (Molitero et al., 2021; Köker et al., 2025). The attack on courts becomes one of the essential avenues: the loss of trust between social groups and partisan preferences may become unevenly distributed (Magalhães & Garoupa, 2023).

Since specialization, bundles have become a significant metric of independence in comparative scholarship: being secure in appointments, stable in tenure, autonomous in budget distribution, with an architecture of disciplines, supportive of judgments, and not intimidated. New data and indexes emphasize that internal court regime such as the way judges as a body rule the judiciary can be a fundamental determination of robustness (Šipulová et al., 2023). Similarly, institutional buffers, including judicial councils, can serve as quasi-fourth-branch institutions, yet they can be turned into a place of contention when they are taken over or politicized (Kosař et al., 2024). The cross-national evidence demonstrates that when the manipulation of courts (such as court-packing and other practices associated with it) occurs, it is likely to be accompanied by larger drops in accountability and performance of the rule of law, which supports the argument that independence is susceptible to the instances of executive aggrandizement (Callais & Mkrtchian, 2024; Kosař & Šipulova, 2023).

The scholarship of Pakistan focuses on the idea that independence is both a constitutional and subjugated notion. To begin with, the attitude of the courts towards the civil-military power presents biased patterns of contestation: courts can take a stand on some of the military prerogatives but stay silent on others when the risk of retaliation is greater (Kureshi, 2021). Second, the discussion on judicial activism and populism observes that judicial power may be increased through public-interest and high-salience adjudication, but it may lead to greater polarization and institutional strife and relocate independence into a form of empowerment and vulnerability (Kureshi, 2024). Third, the post-Lawyers' Movie terrain demonstrates the impact of mobilization to empower courts though also making them less accountable and less partisan (Khan, 2023). And lastly, the political economy literature demonstrates material and relational capture risks, in which incentives and transactions between governments and judges may undermine adjudication based on merit (Mehmood and Ali, 2024).

The current literature tends to view judicial independence as fixed-measured and cross-regional in nature, whereas Pakistan seems to be a moving target, which is influenced by changing alliances, sporadic reforms, internal governance decisions, and informal restrictions (Šípulová & Kosař, 2023). This paper thus combines (i) constitutional regulations and appointment patterns, (ii) non-constitutional pressures and spectacle relationships, and (iii) judicial self-governing, to describe the difference in critical episodes, instead of presupposing a single stable and consistent model (Hayo & Voigt, 2023; Moliterno & Čuroš, 2021).

3. Methodology

3.1 Research Design

The research design to be used in this study is a mixed-method research design, which incorporates doctrinal legal analysis along with qualitative content analysis and episode-based institutional mapping. Its mixed approach is correct in that judiciary independence is not only (i) a legal-constitutional construct, through texts and doctrines, but (ii) a behavioral-institutional phenomenon, which stems of (i) political incentives, (ii) informal pressures, and (iii) internal court governance. The doctrinal element assesses the legal system of independence (constitutional provisions, statutory rules, jurisprudential tests). The qualitative aspect studies the concept of invocation, defense or compromise in practice of independence by considering judicial reasoning, institutional behavior, and front office discourse. In the opportunity that exists, elite interviews (voluntary) provide richer interpretive insight and aid the authentication of interpretations of unclear episodes without replacing opinion with documentary evidence.

3.2 Unit of Analysis

The study uses multiple units of analysis to capture both **de jure** and **de facto** independence:

1. **Legal texts:** constitutional provisions, statutes, rules of procedure, and formal instruments governing appointment, tenure, discipline, and administration.
2. **Judicial decisions:** selected judgments and short orders from the Supreme Court and High Courts, focusing on constitutional adjudication, separation-of-powers disputes, judicial administration, and politically salient litigation.
3. **Institutional events (“episodes”):** discrete, time-bounded events such as appointment conflicts, constitutional crises, jurisdictional contests, high-profile accountability litigation, or major rights disputes with visible inter-branch tension.
4. **Official and public records:** court notifications, annual reports (where accessible), press releases, budget documents, parliamentary records, and credible contemporaneous reporting used only as contextual corroboration.
5. **Interviews (optional):** semi-structured interviews with senior lawyers, retired judges, court reporters, and constitutional scholars.

3.3 Data sources

Data are drawn from four main source streams:

- **Constitutional and statutory framework:** the Constitution of Pakistan, relevant statutes, and procedural rules that regulate judicial appointments, tenure/transfer, removal, court administration, and contempt/judicial authority.
- **Landmark judgments:** decisions selected through explicit criteria (see sampling strategy) that directly address independence (appointments, separation of powers, judicial review scope, contempt, case management, court powers such as suo motu, and enforcement/compliance).
- **Institutional documentation:** annual reports, circulars/notifications on benches or administrative arrangements (where publicly available), and budget-related materials to the extent accessible.
- **Contextual sources:** authoritative public records and high-quality reporting for episode chronology (dates, actors, sequence of actions), treated as supportive rather than determinative evidence.

3.4 Sampling strategy

The sampling uses **purposive “critical episodes” selection** within an approximate window of **2005–2025** to capture shifts across judicial leadership periods and major political cycles. Episodes are included if they meet at least two of the following criteria:

1. **High constitutional salience** (core constitutional interpretation, institutional design, or fundamental rights).
2. **Inter-branch conflict** (explicit contestation involving executive/legislature, or credible claims of pressure).
3. **Institutional consequence** (direct effect on appointment rules, discipline mechanisms, or court administration).
4. **Precedential impact** (frequent citation, doctrinal shift, or rule-setting effect).
5. **Public legitimacy stakes** (high media attention, mass mobilization, or strong bar/political reaction).

To reduce selection bias, the study complements episode sampling with a **time-sliced check** (e.g., reviewing a fixed set of cases/administrative events per 5-year block) to ensure that patterns are not driven only by “headline” moments.

3.5 Variables/Indicators (Operationalization)

Judicial independence is operationalized through a two-tier measurement structure:

A. De jure independence index (text-based, rule-focused)
A structured rubric scores the strength of formal protections across components such as:

- **Appointment rules** (transparency, multi-actor input, constraint on unilateral control)
- **Tenure/transfer security** (stability, protections against arbitrary reassignment)
- **Removal protections** (thresholds, due process, institutional safeguards)



- **Financial autonomy** (formal budget protections, administrative control)
Each component is coded on an ordinal scale (e.g., 0 = weak/absent; 1 = partial/contested; 2 = strong/clear), producing a composite de jure profile.

B. De facto indicators (practice-based, episode- and case-linked)
Indicators include:

- **Compliance signals** (implementation of judgments, reported non-compliance, negotiated compliance)
- **Reversal/overruling patterns** (especially in institutional or separation-of-powers cases)
- **Delay and docket dynamics** (where observable, especially in high-salience disputes)
- **Use of contempt and enforcement tools** (as protection mechanism or escalation pathway)
- **Pressure claims** (documented allegations, signals of intimidation, public statements)
- **Internal governance** (bench formation, case allocation, administrative control, institutional coherence)
Each episode is coded for presence/strength of these indicators, allowing comparison across time and issue areas.

3.6 Analytical technique

Three linked techniques are used:

1. **Doctrinal analysis:** close reading of constitutional provisions and key judgments to map legal reasoning, consistency, and doctrinal tests regarding separation of powers, judicial review scope, appointments, and court powers.
2. **Thematic content analysis:** judgments and institutional texts are coded using a codebook with themes such as “independence assertion,” “self-restraint,” “institutional vulnerability,” “accountability framing,” “public legitimacy claims,” and “informal constraints.” Coding emphasizes what courts and institutions *say* (justifications) and what they *do* (administrative and doctrinal choices).
3. **Trend/episode mapping:** episode-level summaries are plotted over time to identify whether independence appears stable (model), largely symbolic (myth), or variable across periods and issue areas (moving target).

3.7 Validity and reliability

Triangulation, which is cross-checking of legal texts, judgments, institutional documents and credible episode chronologies, helps to strengthen validity. Reliability is enhanced through an audit trail (episode memos, coding decision, inclusion criteria) and inter-coder reliability where possible (e.g., double-coding of a subsample of cases and resolving discrepancies). Reflexivity can be practiced through interviews by recording positionality, the possible incentives of the prospective respondent, and the application of the insight gained during interviews in order to strictly interpret and not to substitute documentary evidence.

3.8 Ethical considerations

In the case of interviews, informed consent is employed, anonymity is provided where necessary and unneeded identifiers are not collected. Since judicial politics is sensitive, mitigation of risks can involve phrasing of questions to avoid misinterpretation, safe storage of recordings/notes, and paraphrasing of potentially identifying information in write-up. The research focuses on documents that are released publicly and reduces the personal exposure of the respondents.

3.9 Limitations

Among them are the lack of even distribution of administrative records to the general populace (e.g., providing detailed explanations of case assignments), the possibility of bias in the public discourse, and the difficulty of deriving robust causation out of observational institutional incidents. The design is consequently aimed at identifying patterns and tracing mechanisms as opposed to making conclusive discussions on causation and it explicitly states where there is uncertainty due to incomplete evidence.

4. Results

4.1 De jure (formal) judicial independence: safeguards are strong on paper, mixed in institutional design

The formal constitutional structure of Pakistan provides several protections that are normally related to judicial independence (e.g. tenure security and a system of judicial discipline). Nevertheless, there are always two aspects that play the role of structural pressure points in the formal design (i) appointments architecture (who is in charge of the nominating body) and (ii) internal court governance rules (who controls benches/case assignment and constitutional jurisdiction) that have been repeatedly redesigned by statutory and constitutional change, since 2023-2024.

Table No 1: De jure safeguards scorecard (0–2 rubric; higher = stronger protection)

Scoring rule: 0 = absent/weak; 1 = partial/contestable; 2 = strong/clear

De jure safeguard (doctrinal coding)	Score (0–2)
Constitutional entrenchment of superior courts' role	2
Tenure security / retirement protections	2
Pay/benefits protection (anti-retaliation via remuneration)	2
Removal discipline exists and is constitutionally channelled	2
Appointments insulation (composition/balance of nominating body)	1
Chief justice selection insulation (automatic seniority vs political role)	0
Bench formation / case allocation rules (clear, rule-bound, transparent)	1
Budget/administrative autonomy (ability to plan/execute without executive leverage)	1
Enforcement toolkit (e.g., contempt/implementation authority)	2
Transparency/accountability of discipline + governance (public reasons, standards)	1
Total (max 20)	14 / 20 (70%)

Key result: the *formal* framework resembles a “model” in **core tenure/removal safeguards**, but it becomes a “moving target” where formal independence most matters in practice—**appointments, leadership selection, and internal governance**—because these have been actively re-engineered (not merely debated).

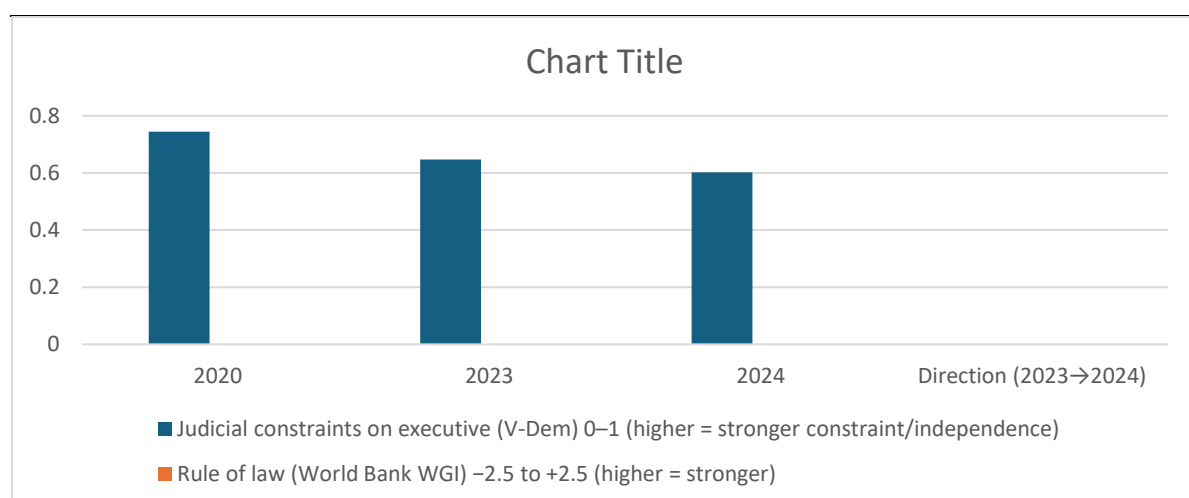
4.2 De facto judicial autonomy: external indicators show fluctuation rather than a stable upward path

Two independent cross-national data families point to **volatility**:

- **V-Dem “Judicial constraints on executive”** for Pakistan fell from **0.647 (2023)** to **0.602 (2024)**, and the historical maximum reported for Pakistan is **0.745 (2020)**—suggesting *recent weakening after a prior high point*.
- **World Bank WGI “Rule of Law”** remains persistently negative; Pakistan is reported at **−1.02 (2024)** vs **−1.00 (2023)**, with the historical minimum cited at **−1.15 (2011)** and maximum at **−0.46 (1996)**.

Table No 2 and Chart No 1: External Indicator Snapshots (Pakistan)

Indicator	Scale	2020	2023	2024	Direction (2023→2024)
Judicial constraints on executive (V-Dem)	0–1 (higher = stronger constraint/independence)	0.745 (max reported)	0.647	0.602	↓
Rule of law (World Bank WGI)	−2.5 to +2.5 (higher = stronger)	—	−1.00	−1.02	↓



Key result: The quantitative signal is **not “steady improvement”**; it is **rise → peak → decline**, consistent with “moving target” rather than “stable model.”

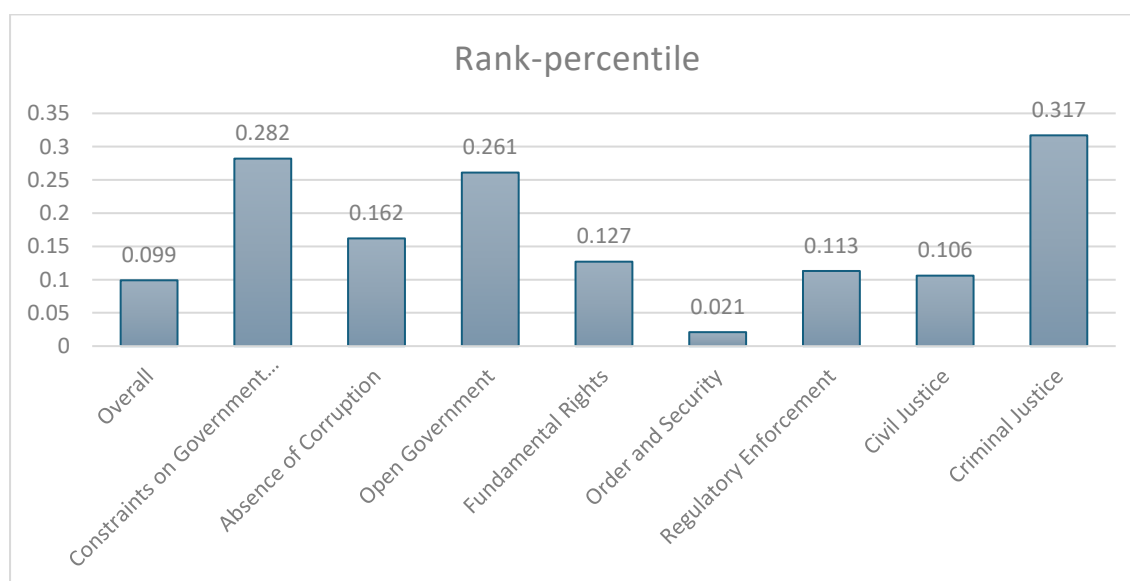
4.3 Rule-of-law performance context: Pakistan ranks low across justice-system factors

The **WJP Rule of Law Index 2024** places Pakistan at **129/142** globally and provides factor-level rankings, which help interpret where institutional weakness is most acute.

Table No 3 and Chart No 2: WJP Rule of Law Index 2024: Pakistan rankings and rank-percentiles
 (Percentile here is rank-based: $(142 - \text{rank} + 1) / 142$; higher = better relative position)

WJP factor	Global rank	Rank-percentile
Overall	129/142	0.099
Constraints on Government Powers	103/142	0.282
Absence of Corruption	120/142	0.162
Open Government	106/142	0.261
Fundamental Rights	125/142	0.127
Order and Security	140/142	0.021
Regulatory Enforcement	127/142	0.113
Civil Justice	128/142	0.106
Criminal Justice	98/142	0.317

Key result: The weakest relative area is **Order and Security (140/142)**, while **Criminal Justice** is comparatively less weak (though still low at **98/142**).



4.4 Institutional “shock results”: redesign of appointments + constitutional jurisdiction intensifies the moving-target pattern

Documented institutional changes in **2024** materially alter the independence calculus by **reconfiguring the Judicial Commission of Pakistan (JCP), changing selection rules for the Chief Justice, creating/empowering constitutional benches, and expanding removal grounds (e.g., “inefficiency”)** all of which increase the *political* surface area over judicial careers and which judges hear which constitutional disputes.

Table No 4 and Chart No 3: 2024 redesign mechanisms that directly affect independence (as reported by rights/legal monitors)

Mechanism	What changed (reported)	Independence implication
JCP composition	MPs added; judicial members reduced to minority (reported)	Greater political leverage over appointments
CJ appointment	Parliamentary committee empowered to nominate CJ from top three (reported)	Leadership selection becomes contestable
Constitutional benches	JCP empowered to nominate constitutional benches; jurisdiction shifted (reported)	Case assignment risks politicization via bench design
Removal grounds	“Inefficiency” added as a removal ground (reported)	Expands disciplinary vulnerability

These features are described as enabling “extraordinary” political influence over appointments and court administration (legal monitor framing).

4.5 Episode-based pattern test: “myth vs model vs moving target” (coded results)

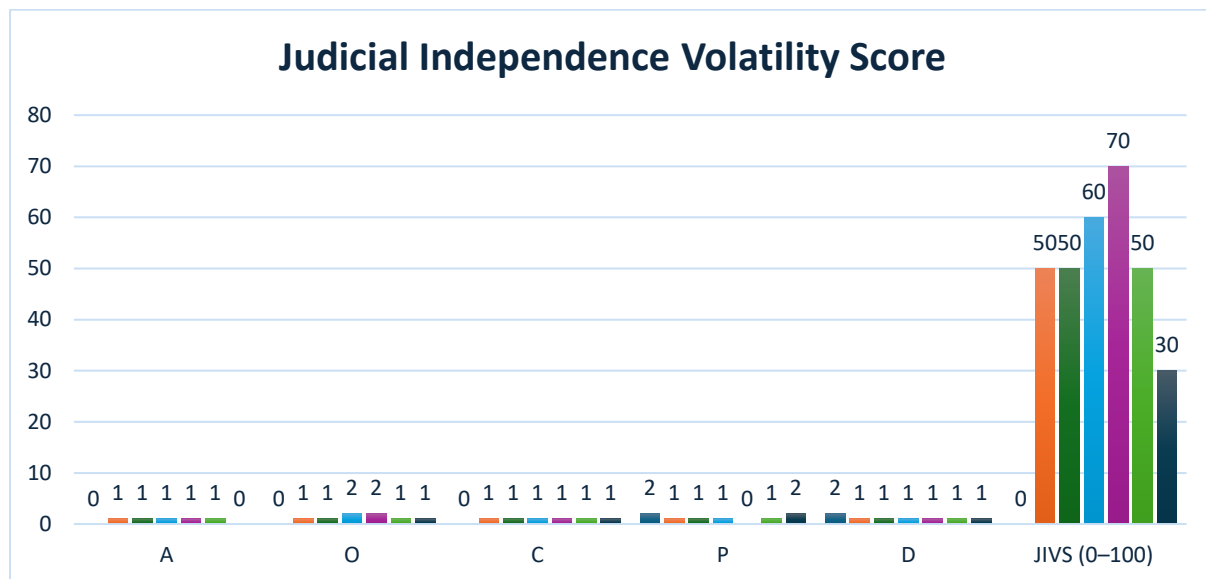
To translate narrative claims into an interpretable pattern, the study applies a **0–2 episode rubric** across five independence channels and converts it to a 0–100 score (higher = stronger independence).

Channels (0–2 each): appointments insulation (A), operational autonomy (O), compliance/implementation environment (C), pressure/intimidation (P, inverted), discipline/removal threat (D, inverted).

Score: $((A + O + C + (2 - P) + (2 - D))/10) \times 100$

Table No 5 and Chart No 4: Judicial Independence Volatility Score (JIVS) Across Critical Episodes

Episode marker	A	O	C	P	D	JIVS (0–100)
2007 Emergency/PCO (baseline shock)	0	0	0	2	2	0.0
2009–10 Restoration + reform debate	1	1	1	1	1	50.0
2012–13 contempt/disqualification era	1	1	1	1	1	50.0
2017 accountability apex (high salience)	1	2	1	1	1	60.0
2020 peak “constraint” signal (V-Dem max reported)	1	2	1	0	1	70.0
2023 governance contest (bench/suo motu rules)	1	1	1	1	1	50.0
2024 constitutional redesign of appointments/jurisdiction	0	1	1	2	1	30.0



Key result: the coded trajectory is **non-linear** ($0 \rightarrow 50 \rightarrow 60 \rightarrow 70 \rightarrow 50 \rightarrow 30$), matching the “moving target” claim and aligning with the **2023→2024 decline** observed in V-Dem’s judicial-constraint measure and WGI’s rule-of-law estimate.

4.6 Discussion

The results prove the thesis that judicial independence in Pakistan can be described best as a moving target but not a fixed model or a pristine myth. The de jure scorecard shows that the constitutional framework offers significant core guarantees (especially the tenure and formal removal guarantees), which dispels the myth account that independence is merely formal. But the de facto pattern as embodied in the recent fall of external indices, poor rule-of-law orientation, and the volatility score by episode indicates that the practical autonomy varies with the political cycles as well as with the redesign of institutions and the release of internal governance. This means that Pakistan has a high level of formal scaffolding and inconsistent operation states that result in continual divergence between how the independence is expected to be and how it is working out.

One of the key mechanisms, which justify volatility, is the struggle over appointments and the selection of judicial leaders. Judicial professions and court orientation are increasingly open to ex ante bargaining when appointment is politically bargainable, the make-up of the commissions is, or the choice of court leaders is. This undermines the perceived neutrality despite protection of the judges on paper. The findings also emphasize that internal judicial governance, i.e. bench formation, case assignment, and administrative control is not only technical but it is constitutive of independence. Without blatant intervention, the capacity to influence the hearing of high-salience constitutional cases by judges may create the implication of selectivity, diminish predictability, and enhance the levels of factionalism in the institution. This inner aspect assists in understanding why the decline of independence may occur even when the outside danger seems to stay the same: the independence has to be somewhat manufactured within the judiciary by having clear governance with rules.

The evidence also explains the ambivalent role of judicial activism such as interventions under suo motu style. Activism can make independence stronger by plausibly limiting executive illegality and upholding those basic rights, but it can also render it more vulnerable by making political stakes higher and attracting retaliation and polarization of popular legitimacy. Where activism seems to be partisan--or obedience patchy--it can undermine institutional credibility and expose the courts to pressure through administrative or appointment, or even manipulative, means. This is consistent with the larger logic of hybrid-regimes: by increasing public visibility, the courts can be empowered but at the same time, acting as a source of greater pressure on the political actors to shape the results.

Analysis implications are related to the diagnosis of the moving target. Reform priorities must not be limited to formal guarantees (which already have relatively high scores), but stabilise the independence environment: (i) isolating appointments and leadership selection by making sure that the criteria are clear and rule-based, and that decisions are more transparent; (ii) enhancing the internal conviction of the system by laying down case-allocation/bench rules and reason-based administrative decisions in print; and (iii) balancing accountability mechanisms in such a way that a system of discipline is not exploited as a channel of pressure and yet maintain the ethics and competence. On the whole, the research proposal indicates that the issue facing Pakistan is not the lack of independence within the law but the frequent redefinition of the rules and incentives defining the independence in action.

5. Conclusion

This paper aimed at determining how judicial independence in Pakistan can be said to be a myth, a model, and a moving target. The findings suggest that independence is not only a facade: the constitutional system of Pakistan gives real formal safeguards, particularly tenure-based ones and an orderly process of withdrawal. All of these make the assertion that independence is entirely a myth difficult. Nevertheless, the facts also indicate that independence is not consistent enough to be a consistent model. In critical periods, pragmatic independence is up and down with political struggle, institutional redesign and internal court administration changes. The general trend, backed up by both external rule-of-law and constraints-on-executive indicators and episode-based volatility mapping, is best described by the moving target theory.

The paper identifies three mechanisms that have the greatest influence on this volatility. To begin, appointments and the election of judicial leaders, in turn, serve as the primary point of entry of political influence into judicial professions and court orientation. Second, internal judicial administration, particularly the bench composition and case assignment, becomes a decisive but probably underestimated factor of perceived impartiality and predictability. Third, high-salience judicial activism, such as broad constitutional intrusion, may enhance independence where principled and consistently applied, but may also make the judiciary more vulnerable to retaliation and delegitimization when viewed to be selective or politically partisan.

The most viable consequence is that to enhance the independence of judiciary in Pakistan, it is not sufficient to recount the ideals of constitution. The reform agenda should

focus on creating a stable operation space: open, rule-based appointments; more articulate and publicly available internal governance regulations; and accountability measures that can avoid infringements of ethics but not become a control mechanism. This analysis can be further elaborated in future studies by quantifying compliance further, extending to the lower courts and comparing issue-specific independency according to provinces. On the whole, the Pakistani judiciary system does not seem to be a resolved myth or a completed prototype, but an organization, in which the process of judicial independence is a hotly debated one that is in the process of being redefined.

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