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### **Judiciary and Politics in Pakistan: A Study of Judicial Activism (2009-2013)**

A strong wave of judicial activism was witnessed in Pakistan between 2009 and 2013. This wave began when *suo moto* notices were taken by the Chief Justice of Pakistan. The main focus of these notices was executive's domain that led to the domination of judiciary over the executive. Throughout this period the judiciary remained entangled with the executive. Many ups and downs were observed in their relations. This paper is an attempt to explain that how judiciary reduced the executive to a subordinate position. Executive during this period had to face judicial activism and thus could not focus on public delivery. It remained defensive and retreating vis-à-vis the judiciary.



## **Judiciary and Politics in Pakistan: A Study of Judicial Activism (2009-2013)**

Ghulam Mustafa Bali and Riaz Hussain

### **Introduction**

In today's democratic systems the judiciary is an important organ of the government. The responsibilities and role of judiciary has increased gradually. It has become guardian of constitution and rule of law. It redresses people's grievances. It has become a check not only over the executive but in certain cases over the legislature as well. Now these organs of government cannot arbitrarily use their powers. An independent and strong judiciary guarantees good governance, rule of law and strong political institutions.

The main feature of the parliamentary democracy is its parliamentary sovereignty. It enjoys legislative, executive, financial, judicial and constitutional powers. It is the final authority in the state. The judiciary and executive perform their role within the limits prescribed for them by the parliament. No other organ can challenge its sovereignty. All powers concentrate in the parliament. Unlike this the presidential system works in accordance with the principle of separation of powers. Each organ remains within its limits for smooth functioning of the system. Under this system the judiciary is custodian of the constitution. It does not allow any other organ of the government to violate the constitution or its spirit. It can strike down both executive and legislative acts. The power exercised by judiciary in this regard is called power of judicial review. In Pakistan the constitution allows the judiciary to exercise limited powers of judicial review.

The move of judicial activism started in Pakistan in 2007 when the Supreme Court stretched its powers in the name of protecting the constitution and law. It encroached upon the power of the executive. It abridged the executive to the level of an inferior authority. The



judgments of the court badly affected executive's performance and delivery. Through this activism the judiciary became infallible and above accountability and law.

A lot of literature may be found on judiciary and politics in Pakistan but there is a dearth of scholarly literature on judicial activism in Pakistan especially on the period under study. Major works available in Pakistan deal with historical or political aspect of the system. No focused work on judicial activism and democracy is available. This paper is an attempt to fill this void by focusing on a very eventful and important period of Pakistan's national history. This effort will explain how judicial activism created institutional imbalance and reduced the executive to a subordinate position in the parliamentary system.

## **Background**

Since its formative years Pakistan has been witnessing an active role of judiciary in politics. The judges have been very active in invoking the doctrine of necessity. Their role strengthened autocratic institutions and weakened the democratic ones. They assisted in legitimizing and perpetuating authoritarian rule in the country.

During military regimes the judiciary remained docile and friendly. It created no hurdle in the way of generals while during democratic regimes it became proactive and strong and undermined the political executive. Even judiciary attempted to encroach on the domain of parliament. This practice further weakened the fragile democracy in Pakistan. The period between 1954 (when first Constituent Assembly was dissolved) and 1999 have many examples to present as evidence of this practice.

Judiciary works as protector and guardian of the rule of law. An independent judiciary can play a positive role for the success of democracy. If there is rule of law then the state would make progress in all walks of life. It would gain stability thus adding to smooth growth of state and society. The judiciary works in accordance with the law. In case of its failure in this regard the system would face disastrous consequences. After 1999 military take over the judiciary helped General Musharaf by not only legitimizing him but also giving him power of



constitutional amendment. The unconstitutional acts of Musharaf were legal and constitutional in judges' eyes under the doctrine of necessity.<sup>1</sup>

General Musharaf appointed Iftikhar Muhammad Chaudhry as Chief Justice of Pakistan in 2005.<sup>2</sup> When, he became the chief justice he started insulting government functionaries on the charge of incompetency. However, the relations between him and the government remained cordial and friendly. Different perks and privileges were enjoyed by him during his early phase as chief justice. He enjoyed what was beyond his protocol e.g. Mercedes car (allowed only to the chief executive of the state). In spite of failing CSS exam three times his son was inducted in police group on recommendation of the Interior Minister. Justice Iftikhar's favors were reciprocal.<sup>3</sup>

The difference between two chiefs, Chief of Army Staff (President) and Chief Justice, started to emerge in 2006, when the latter started to interfere in the day to day dealings of the executive. He began issuing writs of *Habeas Corpus* in missing people's cases. Allegedly the security agencies had picked them and detained without proper legal process. The 250 missing people's case became bone of contention between the two former friends. This attitude affected the process of privatization also. This was something unusual for the general in power.<sup>4</sup>

The General called the Chief Justice for a meeting with him on March 09, 2007, in his office in Rawalpindi. He was asked for his resignation. After his refusal a reference was sent against him to Supreme Judicial Council (SJC) in accordance with the provision of constitution. Justice Javed Iqbal, a senior most judge in Supreme Court, was picked as Acting Chief Justice of the Supreme Court. The SJC was asked to start investigation and submit recommendations. The reference sent against Justice Chaudhry to the Council was according to the process and procedure provided in article 209 of the Constitution.<sup>5</sup>

Justice Chaudhry did not remain silent. He went to the Supreme Court and challenged the reference that was sent against him. He submitted 132 points petition in the court. He prayed that the reference was sent in haste with mala fide intentions. He also questioned his suspension, forced leave, in-camera proceedings of SJC and acting chief justice's interest as he was the senior most in the list of judges of Supreme Court after him.<sup>6</sup>



Iftikhar Chaudhry came up with strange opinion that there was no mention of the Chief Justice of Pakistan in article 209 of the constitution under which a reference could be sent against the judges of the higher judiciary. Hence the reference against him was unconstitutional. He based his argument on clause 3 (a,b) of article 209 of 1973 constitution. He opined that all judges of the Supreme Court and High Courts could be investigated but not the Chief Justice of the apex court. He considered himself beyond the jurisdiction of the council. He was of the view that composition of SJC was incomplete without him therefore it could not function. He also raised many other objections<sup>7</sup>.

The reference was challenged on grounds that it was an attack on integrity and independence of judiciary. He argued that in case executive was allowed to take such actions then judiciary would not be able to make independent decisions. The government would fix judges whenever it would be a party in any case. This logic was strange because SJC is a body consisting of senior most judges of Supreme Court and high courts. The Council investigates whether the judge is guilty of misconduct or not. But Justice Chaudhry gave his own meaning and color to the issue. It seemed that he was inviting the judiciary to become partial in Chief Justice's case. The SC accepted Justice Chaudhry's petition and on April 09, 2007 three members bench was constituted for hearing.<sup>8</sup>

The Supreme Court suspended the proceedings of SJC and started hearing Chadhry's case. The hearing remained continued for about three months. The unanimous verdict came on July 20, 2007. The court granted relief that was demanded by Iftikhar Chaudhry. His council while pleading the case did not base his argument on law but the focus was that the soldiers were united therefore the bar and bench should also remain united to stay powerful and safe.<sup>9</sup>

After the Supreme Court's verdict the relationship between judiciary and executive deteriorated. The tension between the two organs of government made it difficult for the executive to function. This deadlock provoked General Musharaf to suspend constitution for the second time in his tenure and impose emergency on November 3, 2007.<sup>10</sup> The period between 20 July and 03 November 2007 was a source of embarrassment and frustration for the executive. The Supreme Court frequently used its power of *suo moto* to tease the government. The support



from general public, political parties, media and the bar made Iftikhar Chaudhry more confident, bold and powerful.

During this period, many petitions were filed in the Supreme Court to challenge the candidature of General Musharaf for presidential election.<sup>11</sup> For restoration of democracy and transfer of power to elected representatives, the leadership of Pakistan People's Party held dialogues with General Musharaf. This transfer of power required a proper mechanism, which was devised through National Reconciliation Ordinance (NRO). This NRO was promulgated on October 05, 2007 by the President just one day before the Presidential Elections.

Sensing the political scenario of the future General Musharaf had decided to get himself re-elected from the existing assemblies at the end of their tenure. The election date for presidential election was announced. Many petitions were filed against his candidature. When the court accepted petition challenging his candidature he sensed that the court would disqualify him so he imposed emergency, held the constitution in abeyance and issued second PCO which demanded fresh oath from the judges of the superior judiciary.<sup>12</sup>

The Chief Justice had anticipated General's move therefore he constituted 7 member bench that declared November 03, 2007 emergency unconstitutional and an attack on independence of judiciary. The judges of the superior judiciary were forbidden from taking oath under PCO. Any appointment in higher judiciary through PCO was declared as illegal and without jurisdiction.

In spite of court's verdict, Musharaf imposed emergency and got rid of aggressive judges in a single go. Almost fifty judges including the Chief Justice had lost their jobs in the new situation while the other judges accepted the PCO and remained on their seats. Justice Abdul Hameed Dogar was appointed as new Chief Justice of Pakistan. The Supreme Court, under the new Chief Justice, validated General Musharaf's emergency.

### **Wave of Judicial Activism**

New elections were announced for which political parties were campaigning. Benazir Bhutto, the chairperson of Pakistan People's Party, was killed on December 27, 2007 due to



which elections were postponed till February 18, 2008. PPP won the elections and emerged as the largest party in the parliament while the PMLN got second position in number game. These parties had signed charter of democracy in 2006 in which they had agreed that they would ensure the rule of law and independence of judiciary. They also pledged that they would not accept any PCO judge in future.

A declaration was signed by both the big political parties after elections on March 9, 2008. Under this declaration they were to form ruling coalition and restore judges to pre November 03 position. Here PMLN fixed the PPP. According to a pledge in the Charter of Democracy PPP did not intend to restore any PCO judge. The PMLN put pressure on PPP for Iftikhar Chaudhry who was a former PCO judge. However, pressure from different corners compelled the PPP government to restore Iftikhar Chaudhry and other judges in March 2009.<sup>13</sup> After his restoration he started to behave aggressively. He took about 600 *suo moto* notices only in one year. This was exceptional in Pakistan's history. A short description of tussle between judiciary and the executive on various matters is given below:

### **Administrative Matters**

In Parliamentary system the executive makes all appointments in the name of head of the state. The executive while making appointments follow procedures laid down in laws. However top executive officers are appointed by the governments on its discretion. The executive is answerable to the parliament and public therefore to provide the service delivery it enjoys the authority to pick the team of its choice. The constitution empowers the Prime Minister (PM) to make appointments on key positions, such as ministers in his cabinet, ambassadors, governors, chairmen of various constitutional bodies, heads of the armed forces, institutions and coporations.<sup>14</sup>

The Supreme Court challenged this prerogative of the government and struck down various appointments made by the executive during this phase of judicial activism. The appointments of judges had been a factor of discomfort between the judiciary and executive particularly since the third tenure of Pakistan People's Party. The executive used to make appointment of judges of the superior judiciary in consultation with the Chief Justice. But after



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Judges Case (1996) the consultation of the Chief Justice(s) was made binding on the PM.<sup>15</sup> For elevation or promotions from high court to SC as judges and appointment of the Chief Justice, seniority was made the criteria. The PPP Government appointed Khawaja Sharif as the judge of the SC. Justice Saqib Nisar, the next in seniority was appointed his successor in Lahore High Court. Prior to these notifications differences had emerged between the Government and the Chief Justice. Contrary to set procedure Justice Chaudhry wanted Justice Sharif to stay in Lahore High Court while his junior was to be elevated as the judge of the SC. The executive had issued notifications of these judges perfectly according to the provisions of the Constitution. But the CJ took *suo moto* notices on notifications just after their issuance and quickly constituted bench of the judges for hearing. After a brief hearing the bench suspended the notifications by declaring them a violation of the constitution.<sup>16</sup>

The judiciary kept the executive on the horns after Iftikhar Chaudhry's restoration. The SC declared a number of appointments null and void. The judiciary cancelled the appointments of the Chairman NAB, Chairman OGRA, NBP, Six Hundred and Sixty Eight officials of the PQA.<sup>17</sup> The matter of appointments was the domain of the executive but the Supreme Court became a hurdle in its way.

The SC also issued an order through which Prime Minister's order of promoting 54 bureaucrats to grade 22 was cancelled. The Court observed that these promotions were not in accordance with rules and merit.<sup>18</sup> The Government had made reshuffling in almost entire top brass of bureaucracy after issuance of promotions order. There is routine and normal practice in democratic countries that after elections when new administration comes into power it reshuffles the top administrators. It is done to infuse new spirit in the administration to rejuvenate it and to select best available talent to implement its program. The PPP Government had done the same but the Court did not accept this prerogative of the government. After detailed survey of the case the Court argued that though the petitioners had no right to be promoted yet the space for promotion was required to be given to them. This verdict made it crystal clear that the SC was not allowing the government to exercise its power for which she was accountable to people.

The SC in the case of appointment of Chairman NAB along with striking down the appointment questioned the power of the executive to make such appointments. The Court in its



verdict of March 10, 2011 disqualified justice Deedar Hussain Shah as Chairman NAB. The SC observed that the appointment made depicted the shallow understanding of the constitution and laws by the concerned ministry, therefore, advised the concerned authority that Chief Justice of Pakistan should be consulted before appointing such functionaries<sup>19</sup>. Some analysts concluded that in future the NAB chairman would be appointed after meaningful consultation between Prime Minister and the Chief Justice.

Similarly the Supreme Court dismissed Touqir Sadiq (Chairman, OGRA) on Nov. 25, 2011 from his service on ground that he was not properly qualified and the degree that he possessed was from a fake institution and that the serious charges of corruption leveled against him needed investigation.<sup>20</sup>

### **Public Interest Litigation**

Public interest litigation is a lawsuit that includes the whole population without any discrimination. Through this mechanism all technicalities are set aside to ensure justice. The higher judiciary derives this power from article 199 and 183(4) of the constitution of 1973. The SC under *suo moto* jurisdiction may take up any matter related to public interest or fundamental rights. The Court invoked *suo moto* jurisdiction to hear such cases. It moved freely to take up any case any time to give tough time to the government. Many projects of the government were banned by the court.

This encouraged high courts to expand their tentacles also by using this authority over the provincial executives. High courts became active although under law this is the jurisdiction of the SC. Peshawar and Lahore High Courts' chief justices took *suo moto* notices at number of occasions. They included notice on bad quality of *chappali kabab*, bus stops and car parking and women's vote issue in a by election.

### **Pakistan Steel Mills Privatization Case**

Government privatized the Pakistan Steel Mills. The total value of assets offered for privatization was between Rs. 72.5 billion and Rs. 125.5 billion. The mills stretched over an area of about 9000 acres while the Government had offered 4457 acres for privatization. The other



items that were offered for bid included machinery, raw material, spare machinery and finished goods<sup>22</sup>.

The Workers Union challenged the privatization of Steel Mills in the Sindh High Court. The Court dismissed the Petition saying that the Cabinet could form and implement policies including that of privatization.<sup>23</sup> The Workers Union challenged the decision of High Court in the Supreme Court. The SC accepted the case and cancelled the privatization deal of the government.<sup>24</sup>

The Government filed review petition but the court did not decide the matter till the end of PPP led coalition government's tenure. The uncertainty due to litigations not only affected the productivity of the Steel Mills but also economy and investment.

### **Rental Power Case**

After assuming power the PPP led coalition government embarked upon resolving the issue of power shortage and load shedding by installing 19 power projects on rent in various parts of the country. To fill this gap the government decided for the Rental Power project. The ECC (Economic Coordination Committee) and the Cabinet accorded approval for the Project. 'Private Power and Infrastructure Board' and 'National Electric Power Regulatory Authority' completed the procedural requirements. After the fulfillment of legal formalities the contract was given to Karkey Karadeniz Elektrik Uretim (KKEU), a Turkish Company. But the SC cancelled the Project on charges of irregularities, corruption, illegalities and kickbacks. The Court declared that plus and minus of the project were not properly examined, the feasibility studies were improperly undertaken, irregularities identified by Auditor General of Pakistan were not considered seriously, procedure of the procurement was not followed properly and the Asian Bank's identified loophole were not addressed. The Asian Bank had suggested that instead of 19 only 09 projects should be installed.<sup>25</sup> The Court also observed that the tariff fixed by rental companies was very high. The court cancelled the award of contract to KKEU.<sup>26</sup> The Court also directed NAB to arrest and initiate inquiry against all involved in the deal.



### **National Reconciliation Ordinance (NRO)**

The NRO was promulgated by President Musharaf on October 05, 2007. It was issued after negotiations with Benazir Bhutto, the former Prime Minister of Pakistan. The aim of this ordinance was to facilitate democratic transition in the country. The USA, UK and UAE had brokered this deal between the two leaders. According to this understanding, the cases against political leaders and the people who served under them were to be withdrawn from courts and fair and free election were to be held in 2007 to transfer power to the elected leadership and safe exit would be given to the General and his supporters who captured power through show of force and ruled the country unconstitutionally.

The Military regime had kept both mainstream political parties (PPP and PMLN) in containment and had exiled leadership of these parties. They were also facing severe censorships. The leaders, workers and supporters were facing different types of cases which mostly were politically motivated. They could not take part in politics unless cases against them were withdrawn. Similarly General Musharaf had become liability for the system therefore was in need of safe exit. He needed relaxation in laws, rules and constitutional constraints. Without this mechanism the democratic transition was difficult.

The NRO was a result of this understanding between the ruling junta and the moderate opposition. It led to lifting of the ban on the political leaders and parties' activities. They were allowed to contest elections. It was also a mechanism of smooth democratic transition and safe exit to military ruler. For nation building this mechanism has worked throughout the world. Pakistan needed a new beginning but the Supreme Court on December 16, 2009 declared NRO illegal and void.<sup>27</sup> The court tried to kill the reconciliatory politics which Pakistan was experiencing for the first time in its history.

The crucial aspect of this judgment was to revive the cases against the sitting President of the country. The Attorney General was ordered to proceed quickly to get the president fixed. As a result of NRO such cases were to be closed for smooth onward journey. The PM and the Attorney General were directed to write to the Swiss Courts to revive cases against the President.



The court wanted a quick action while the constitution of the land had given immunity to the President. If they followed court orders it could be taken as violation of the constitution. In case they followed the constitution the court was not ready to accept it. Contrary to judicial norms it seemed that the court was behaving as a party.

The SC established five monitoring cells in the country to monitor the cases against those accused who had got acquittal under NRO. The implementation of this judgment seemed to be the top priority of the SC. The Supreme Court directed Chairman NAB, Attorney General, Prosecutor General of NAB and Secretary Law to immediately revive the cases closed under NRO<sup>28</sup>. The Government had submitted review petition but it was rejected. This rejection left the government with no other option than to implement court orders. The PM assured the court that its decision would be implemented fully. All cases were reopened except that of the President. The government was of the view that the President enjoyed immunity under constitution. Hence court proceedings against him could not be opened during his tenure as president.

The PM was in a real fix. In case he accepted the court orders of writing a letter to the Swiss authorities he would have violated the constitution while if he had declined court orders he could face contempt of court case.<sup>29</sup> On March 8, 2012, the SC ordered him to write a letter to Swiss authorities without consulting Law Ministry.<sup>30</sup> This directive was given by the court to remove the lacuna that the Prime Minister worked in accordance with the rules of business. He made all moves after seeking advice from the law ministry, not in his discretion. But the court ordered him to follow its advice not of law ministry.

The letter issue became bone of contention between the judiciary and the executive. The court was not only trying to assume the role of executive but the legislature also. It was of the view that its words were law. This reminded the students of politics the old monarchical system in which all organs of the government existed in the monarch. This tradition seemed to have been revived by Iftikhar Chaudhry. In implementation of NRO Case the PM was punished on 26 April 2012. He was convicted for the charge of contempt of court. The seven member SC bench declared the PM guilty of contempt and awarded him sentence of imprisonment until the rising of court. Thus, he was disqualified under article 63 (1) (g) of constitution<sup>31</sup>. This conviction entailed serious consequences for the term of PMs. The constitution provides that the PM either



through resignation or through vote of no confidence can lose office. This time the way adopted for sending him out of office did not exist in the constitution. It was contrary to the practices of constitutions of parliamentary democracy.

Under court order the Prime Minister no more remained a member of the parliament. The government took this bitter pill. The PM who enjoyed confidence of the parliament was disqualified for the term of five years. The Election Commission was directed to de-notify PM from National Assembly's membership while the President was asked to make arrangements for electing a new PM.

On June 22, 2012 Raja Pervaiz Ashraf was elected as new PM of Pakistan. Soon after his assuming charge as PM the tension between the executive and the judiciary intensified. He was ordered to do what Mr. Gilani, the former PM, had failed to do and submit the report to the Supreme Court forthwith. This time the government decided to write a letter to the Swiss authorities. The continuous resistance from the executive could have proved costly to a nascent democratic set up. The judges could adjust themselves to any situation as they had done in 1999 when democratic set up was wrapped and military rule was established. The court not only validated this change but also gave power to General Musharaf to amend constitution. Iftikhar Chaudhry was also part of the bench that had given that verdict. To save democratic set up the Government of PPP bowed before the Court. This highhandedness of the court raised many questions about judiciary-executive relations. The removal of PM under contempt conviction was criticized by jurists inside and outside the country. The PM was of the view that article 248(2) gave immunity to the President against criminal proceedings during his tenure of office. The jurists and political leaders opined that it was prerogative of the parliament to remove the PM. Some jurists declared this decision an unfortunate one. It led an Indian jurist to comment;



It seems to me that the Pakistani Supreme Court has lost its balance and gone berserk. If it does not now come to its senses I am afraid the day is not far off when the Constitution will collapse, and the blame will squarely lie with the court, and particularly its Chief Justice.<sup>32</sup>

The PM who succeeded Yousaf Raza Gilani wrote letter to Swiss authorities but to fix him and tease the government the court took up Rental Power Case for implementation. The NAB authorities were asked by the court to arrest the PM and others for irregularities. Throughout his tenure the new PM was kept under acute pressure by the court.

## CONCLUSION

Activism of judiciary is normally considered apex court's assertiveness to ensure rule of law. In Pakistan judiciary remained docile during military regimes while proactive during democratic ones. For the first time in history of Pakistan the judiciary challenged a general in military uniform in 2007 which led to judicial crisis. This crisis was inherited by the civilian government. The judicial activism witnessed during civilian period was unprecedented. After restoration of the Chief Justice in 2009 the judiciary started taking *suo moto* notices to contain the executive. This activism took the shape of open conflict between the judiciary and the executive. The judiciary made encroachment in executive's domain. The PM who had freed and restored judges was sent home unceremoniously by the court. His successor was kept under constant pressure. The government failed to deliver due to over activism of judiciary. Instead of rule of law the rule of the mighty judges was witnessed. Judicial activism disturbed institutional balance. It weakened nascent democracy.

For smooth functioning of the system the principles of parliamentary system are required to be respected to keep institutional balance. The amalgamation of principles of presidential system with the parliamentary one would produce contradictory results. The judiciary should stay in limits prescribed by the constitution and parliamentary norms.

Smooth functioning of institutions and political stability ensures better future. This aim can be attained only after the institutions remain within their limits and do not encroach into the domain of others. The constitution has clearly determined the role of each institution. If each one remains within its domain the system will function smoothly.



## End NOTES

1. In all these cases Justice Iftakhar was member of the benches that gave verdicts in favor of General Musharraf.
2. *Pakistan Lawyers Forum v. General Pervez Musharraf case* [http://www.supremecourt.gov.pk/web/user\\_files/File/JR Judgment on 17th Amendment and Presidents Uniform Case.pdf](http://www.supremecourt.gov.pk/web/user_files/File/JR_Judgment_on_17th_Amendment_and_Presidents_Uniform_Case.pdf). Accessed on March 02, 2017.
3. Inam R Sehri, *Judges and General in Pakistan, vol. I*, (Guilford: Grosvenor House publishing Ltd., 2012), 15.
4. Zubair Nabi, A Story of Suo Motos, Judicial Activism, and Article 184 (3) An Analysis of a Decade of Open Judgments from the Supreme Court of Pakistan retrieved from, 1502.03772v1 [cs.CY] 12 Feb 2015
5. *The Constitution of Pakistan 1973*, Article 209 (5) and (6).
6. Petition of Iftakhar Chaudhary, Section II, Facts in Brief, Points 01-23.
7. *Ibid. The Constitution of Islamic Republic of Pakistan*, Article 260 while explaining the term 'judge' reads, "Judge in relation to supreme court or a high court includes chief justice of the court".
8. Library of Congress, Suspension and Reinstatement of the Chief Justice of Pakistan: From Judicial Crisis to Restoring Judicial Independence? <http://www.loc.gov/law/help/pakistan-justice.php>. Accessed on April 13, 2017.
9. Statement of his counsel, *Dawn*, May 09, 2007.
10. Emergency Order November 03, 2007 quoted in *The Nation*, November 04, 2000.
11. Constitution Petition No. 15 of 2002 (Qazi Hussain Ahmed, Amir Jamaat-i-Islami, petitioner), and Constitution Petition No. 22 of 2002 (Syed Zafar Ali Shah, petitioner), available at [http://www.supremecourt.gov.pk/web/user\\_files/File/JR\\_Constitution\\_Petition\\_No.\\_15\\_17-24\\_and\\_512\\_of\\_2002.pdf](http://www.supremecourt.gov.pk/web/user_files/File/JR_Constitution_Petition_No._15_17-24_and_512_of_2002.pdf). Accessed on April. 6, 2017.
12. *Proclamation of Emergency, The Dawn*, Nov. 4, 2007 (text of Proclamation), available at <http://www.dawn.com/2007/11/04/top16.htm>. Accessed on March 06, 2017. See also 'Gen Musharraf Promulgates Provisional Constitution Order', *Pakistan Times*, Nov. 4, 2007, <http://pakistanimes.net/2007/11/04/top1.htm>. Accessed on March 06, 2017.



13. <http://www.chowrangi.pk/justice-iftikhar-chaudhry-restored-again.html>
  14. *Constitution of Pakistan*, Articles, 90, 91, 92, 101, 175A, 243.
  15. *Constitution of Pakistan*, Articles, 177 and 193 before Eighteenth Amendment.
  16. Judgment of the Supreme Court quoted in *Daily Dawn*, March 05, 2011. Justice Saqib Nisar is the current Chief Justice of Pakistan who is paying more attention to political cases. The Supreme Court has become controversial once again. Another PM has lost his office through court's verdict while his successor is under acute pressure from the court.
  17. *The News International*, September 05, 2009.
  18. Constitutional Petition, 9/2006, Supreme Court of Pakistan, Paragraph No. 36.
  19. Verdict of the court published in *Daily Dawn*, March 11, 2011
  20. *Daily Dawn*, November 26, 2011.
  21. *Daily Dawn*, June 23, 2013.
  22. Ikram Sehgal, Pakistan Steel Story, <http://www.sehgalfamily.com/?p=556>, accessed on February, 22, 2015.
  23. Constitutional Petition, 9/2006, Supreme Court of Pakistan, Paragraph No. 36.
  24. Constitutional Petition, 9/2006, Supreme Court of Pakistan. Paragraph No. 86
  25. *Daily Dawn*, January 31, 2010.
  26. *The News International*, February 02, 2010. The KKEU moved International Center for Settlement of Investment Disputes in 2013 seeking compensation of Rs. 74 billion for losses. The ICSID rendered award to KKEU for its losses. Thus Court's decision gave Rs. 74 billion loss to national exchequer.  
<https://tribune.com.pk/story/1511129/international-litigation-pakistan-slapped-700m-fine-rpp-case/> accessed on March 20, 2018. <https://www.dawn.com/news/1358930> , accessed on March, 20, 2018.
  27. *The News International*, December 17, 2009.
  28. *Dr. Mubashar Hassan v. Federation of Pakistan*, [http://www.supremecourt.gov.pk/web/user\\_files/File/NRO\\_Judgment.pdf](http://www.supremecourt.gov.pk/web/user_files/File/NRO_Judgment.pdf) accessed on 14/03/2017.
  29. *Daily Dawn*, March 09, 2012
  30. *Ibid.*
  31. Short Order of the Supreme Court quoted by all leading dailies including Dawn, News International, Express News and Pakistan Today, April, 27, 2012.
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32. Justice Markandey Katju, a former Judge, Supreme Court of India and Chairman, Press Council of India <http://www.thehindu.com/opinion/article/homepage=true> accessed on 10.10.2015