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in Pakistan 1947–2024:
A Brief Review**

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Pakistan Institute of Development Economics, Islamabad.

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ABSTRACT

The study found that while judicial reforms is a vast area, the bulk of the literature is concerned with the appointment of the judges and the tug of war between the executive and the legislature. The literature on legal reforms with respect to police and law enforcement focus on colonial heritage and how current structure of policing organisations is defined by colonial laws. Police corruption and public perception have also been the focus of researchers in legal reforms. It was also observed that while some papers adopted objective stances, there has been literature that supports one political era over another. Most of the studies adopted the discussion-based approach based on historical analyses.

1. INTRODUCTION

Judicial and legal system of a society is the product of evolution that may span over hundreds of years. Keeping other things constant it's a gradual process where in the reforms and changes in the judicial and legal system respond to the societal needs and requirements. However sometimes, a nation may find itself at a critical juncture which can change the course of these reformations and changes to go in a very different direction. It can either change it to become a more inclusive system or it can make it take a dive. Something similar happened to the Indian Subcontinent. It had a working legal and judicial system that had evolved over thousands of years spanning from the times of the Chandragupta Mauryas to the Mughals. Colonisation by the British East India Company and then Britain proved to be a critical juncture that radically changed the society, the judicial and legal set-up and the public administration. It also changed the role of the state by making it a more Centralised and Interventionist entity. The Muslim state and the Hindu state before it was not as visible and centralised as was the colonial state (Kaviraj, 2005). This new interventionist state created social, political, administrative and judicial systems that were a radical departure from what the sub-continent was used to. The judicial and legal set up of the colonial state may have retained some aspects of the previous set-up but in totality it was a new system and that system has persisted throughout till date. Decentralisation was the norm of Public administration in the pre-British period while the Colonial state was highly centralised (Khan, 2023a).

2. JUDICIAL REFORMS

2.1. What is Judicial Reforms

Judicial reform as a complete or partial political reform in the judiciary of a country. Judicial reform is often done as a part of a wider range of reforms but not necessarily. It is considered to be a part of legal reforms which is considered to be wider area according to jurists and scholarship on law (Neat & Neilsen, 2007).

Judicial reforms in Pakistan have emerged from murky and tense fight between the three branches of government. The story of judicial reforms and on broader level the history of legal reform and changes in Pakistan highlights the role of right-wing vs the left, the question of identity, the role of religion and use of religion in politics.

There is no doubt that the country inherited a colonial structure in government, politics and judiciary. The legal framework within which the Pakistani society operated was colonial and a legacy of the British raj. However, the constitutional crisis that Pakistan experienced up until 1973 was not rooted in its colonial history as it was a cause of a power struggle between the different groups all of whom eyed power. For instance, the first constituent assembly was dissolved, and it failed in its only job which was to come up with a constitution. The government of India act was considered incompatible with "interests of the newly independent country that came in to being as "fort of Islam".

Mahmood opines that the Government of India act was incompatible with the interests of Pakistan due to three main reasons. Firstly, the establishment of federal government based on the alliance of the provinces and the princely states. Second was the autonomy of the provinces and the third was the voluntary alliance of the princely states (mehmood,2000). The fact that Pakistan adopted this act was due to compulsion since Pakistani was bound to be Governed by the Government of India Act until it came up with its own constitution. and this also led to constitutional crisis that existed for decades. This is corroborated by others such as (Adeney, 2002; Burks, 1954; Hayat, 2020; Kapur,

2006; Malik, 1996; Newman, 1959; Samad, 1995; Talbot, 1986; Wasseem, 1992; Ziring, 1997).

The period was also overshadowed by the fact that since the country came into being in the name of Islam therefore should we have the sharia and the Islamic legal and political system or should have a modern system as Pakistan was a republic. For instance,

Data was collected from the Google scholar search engine using its advanced search option. Using the advanced search, the research that directly tackled the question of judicial reforms were considered. The research that contained some discussion on judicial reforms but did not deal with it as a main subject were filtered out using the options of advanced search. While judicial reform is vast area and can include many things only few of the areas were selected for simplicity and ease of analysis. It was observed that the research has been primarily focused on the appointment and independence of judiciary. As in all the periods from the 1950s to 2024 discussion and debate on judicial appointment has received more attention from scholars and researchers than any other area of judicial reforms (Figure 1).

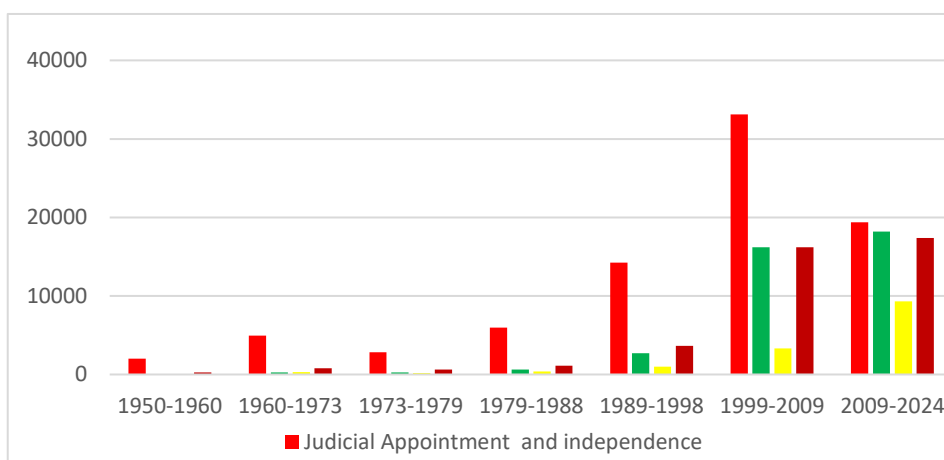
Nizamuddin made an Ulema board which was supposed to validate and verify that a certain law is in accordance with Islam or not. Muhammad Ali Bogra changed it and presented his famously known “Bogra formula” where in the Ulema board was replaced by Judiciary and it was to decide on whether a particular law was in accordance with Islam or not. In the midst of the constitutional crisis this was in fact the first time when the judiciary was made relevant to the legislation. However, the no real judicial reform can be seen since there still existed a confusion in what type of legal framework the newly independent country was going to have. This made it difficult for any type of judicial reforms to take place since the necessary pre-requisite of judicial reform “legal reforms” had not been initiated neither was there any agreement on the legal framework (Abbas, 2023; Choudhury, (n.d.); Gaho et al., 2012; Khan, et al. 2023; Mahmood, 2000; Pardesi, 2012; Wheeler, 1955).

Judicial reform usually aims to improve such things as appointments of the Judiciary to Judicial offices courts of law, procuracies, advocacy, inquest, executory processes, and record keeping. It is a part of total legal reformation process.. Therefore it cannot effectively take place in isolation from legal reform (Neat & Neilsen, 2007). Pakistan suffered from constitutional crisis and was unable to come up with an agreed upon constitution until 1973 therefore, judicial reforms remained neglected. If there was any change that policy makers and the powers that be were more interested in, it was that of the appointment of judiciary and that has remained a source of dispute and tensions in Pakistan since its inception. The question of appointment of judges has therefore been the most discussed and debated subject of judicial reform literature. It often appears as if in Pakistan Judicial reforms actually means Judicial appointments. There are however other important things in judicial reforms such as the cases back log, court procedures, bureaucratic processes and necessary paper work, automation and computerised record keeping, access to courts, speed of trials etc. however, they have not been discussed as thoroughly as the case of judicial appointments. Figure 1 attempts of summarise the focus and attention of scholarship to different issues that make part of Judicial reform.

It has only been in recent years that we see research on the topics corruption and accountability as increasing. While a very important aspect that should be an important issue of debate in research such as the back log of cases, cost of litigation (in Pakistan), over burdening of court procedures with paperwork and bureaucratic sludge have not received the due attention. The reason perhaps could be that these are issues that impact

on the micro level and individuals and are of less political significance. A more in-depth analysis which couldn't be done in the case of this study due to time and resource allocation would produce a more detailed picture by including other areas of judicial reform in figure one such as computerisation, automation, use of technology, court procedure, inclusivity of the judicial system, and most importantly design of the judicial system.

Fig. 1. Research Produced within Pakistan on Different Sub-topics of Judicial Reform



2.2. The Historical Trends

Historically we see different trends in the research produced on the subject of Judicial and Legal reform. The trends reflect the political situation of the time and the last few decades, it was observed that the global concerns and global political economy is reflected in the work done in the realm of judicial and legal reforms literature.

In the early years we see a discussion on whether the legal and judicial system of Pakistan should be Islamic, secular or hybrid in form. The constitutional crisis that Pakistan was experiencing was point of debate of researchers and scholars. The appointment of judiciary and its independence were the main topics of research during the time period 1950-1960. Figure 2 gives an overview of the historical trends in research on Judicial reforms.

Table 1

<i>Historical Trends in Research on Judicial Reforms</i>	
Year	Key Focus
1950-1960	Pakistan was a new born country and was under the commonwealth at the time, it was also enduring the constitutional crisis which further restrained it from coming up with effective reforms especially in judiciary. It was mainly western scholars who wrote and contributed to the area. Moreover in this period and in the subsequent periods up until the 90's the scholarship has its focus more on the legal reforms rather than judicial reforms, Moreover Islamic ideology and its

Year	Key Focus
	role, impact and weightage has been discussed in literature covering the decade.
1960-1970	As Pakistan was still going through the constitutional crisis therefore bulk of the literature on reforms and the focus of authors was mostly on legislation, constitutional development and judiciary was a part of the discussion but during these times specific attention to judiciary was not given. In fact, the judiciary operated as per the previous acts of the colonial government namely the Government of India act of 1935. With changes only taking place with respect to their appointments
1970-1979	<p>Although the entire period is not characterised by the Islamisation regime of Zia yet it appears that the debate of sharia, Islamic law, islamisation of system was there. This along with other major themes such as independence of judiciary and the role of the political institution in the appointment of the Judges made major part of the academic discussion on Judiciary, Judicial reforms and legal reforms. Furthermore, post 1973 we see a more focused scholarship since by that time we have a constitution.</p> <p>Towards the later part of the period the situation between the Civilian government and the Military begins to worsen and later culminates in the martial law. This is reflected in the literature as the discussion in the literature shifts to Democracy vs. Dictatorship, the role the judiciary plays and ought to play. It is pertinent to mention here that the dearth of critical research in the area can be attributed to the fact that freedom of expression was curbed during that era and secondly Pakistan did not have a good number of academic journals at the time. That is one of the reason that most of the papers are either produced internationally by non-native authors or even if by native authors they are published outside.</p>
1980-1988	Key areas of focus included islamisation of judicial system, " <i>Hudood</i> " ordinances, ijtiḥad, conventional family law vs. Muslim family law. It appears that the scholarship responded and was in line with the ruling regimes ideology and working.
1988-1998	During this period the scholarship while maintaining the tradition of discussing Islam and Islamisation of judiciary also included a critique of the enforcement of Islamisation of the previous regime. the role of women and the status of women in judiciary and legal landscape during the previous regime and the elected government is also a point of discussion by majority of the scholarship in this era.
1998-2009	The research during this time is not focused on a single domain as was the case in the previous time periods above. There are multiple trends in the research and scholarly work produced in this time period. While the some of the researchers carry on with previous themes we see some new areas emerging for example terrorism, the response of the judiciary to terrorism, changes in the Pakistan judicial mechanism and structure to combat terrorism and later on towards the end of the period we also see scholarship that discusses the politicisation of judiciary,

Year	Key Focus
	pressure of the executive on the judiciary, misuse of executive authority to influence judiciary, The later years of the period encountered a rift between the then military regime and the Chief justice. While politicisation of judiciary and the control and influence of the executive on judiciary was a feature present in above two periods as well yet scholarship did not make it a focus. This could be because of the tight governmental control on the society and therefore we do not find valuable critique of the judicial system as whole or the reforms needed in it , during those periods.
2010-2024	<p>During this period, we see a drastic improvement in the quality, quantity, major changes in areas of focus and an open critique in the scholarship on judicial reforms and the judiciary as a whole. During the period new issues reflecting global concerns as well, were given attention to by the scholars,</p> <p>Issues such as Climate change, women in judiciary as opposed to status of women in eyes of law, Judicial activism. Politicisation of judiciary and Judiciary in politics, the pro-active approach of the judiciary were some of the main areas of research scholarship, most of the research with respect to judicial appointments was carried out in this period.</p>

2.3. The Subject Trends

2.3.1. Judiciary, Justice, and Misuse of Court Powers

Om Prakash in his take on the judicial system of Pakistan argues that the Pakistani Judiciary has been used by those in power against their political opponents, the citizens and for advancing their economic and political interests as well (Prakash, 2011). Prakash explains that the courts have been used by the state against the citizenry and have been a helping hand in legitimising illegitimate governments. Political influence on the courts and its lack of autonomy and independence are the reason for this misuse of courts the state and the one who hold political and economic power. In the early years especially the court was controlled and its authority was abused by the executive, this also hampered the development and growth of the institution of the judiciary. (Akhtar, n.d.) (Mehmood, 2020) (Shamshad et al., 2022) also concur and strengthen Prakash's argument.

Paula Newberg in her detailed study of how the judiciary in Pakistan empowers the executive and the executive uses it constitutionalise its otherwise ant constitutional or non-constitutional moves has actually worked as an institutions of state control. Moreover, the judiciary as some institutions has been at odds with the society, it has also had internal strife and groupings and has also let itself be used by the executive. These are according to (Newberg, 2002) the reasons that the Judiciary as an important institutions has failed to play a role in the constitutional development, rule of law , judicial reforms and legal reforms in a country which is characterised by constitutional, political and economic crisis since its creation. The state right from its inception gradually became more and more controlled by the military and civil bureaucrats the judiciary offered little or no resistance.

Pakistan was experiencing a constitutional crisis. Since the time of independence, the country's political leadership could not come up with a constitutional and legal framework for the citizenry. The early periods are stories of institutions suffering due to

the incompetent political leadership and the judiciary was one of the victims. There exists a strand of thought who believes that the absence of constitution has made the issue of judicial reform take a back seat and caused neglect towards the issue. Judiciary's politicisation (Siddiqui, et al. 2023); Patapan, 2012; Dressel, 2012; Huq, 2003 Arshad, et al. 2023) and independence of judiciary esp. the case of judicial appointment (Rafiq, 2022) (Habib, 2021), its relationship and connection with the executive (Waseem, 2012) have been some of the major subject trends.

Judiciary had to make itself politically relevant therefore in the early years the independence of judiciary did not form a major portion the debate. It is partly due to this reason that we don't find enough scholarship that offers a critique of the prevalent model at the time and gives some road map or serve as a guide for a more balanced model (Habib, 2021; Khwaja, et al. 2012). This can partly be due to the reason that the judiciary was in a tussle with the executive where the executive wanted to use the judiciary for political gains. The famous cases such as the *Molvi Teameezuddin vs. the State of Pakistan and dosso case* in 1958 are examples of the some of the events where the executive and the judiciary have colluded, served each other, politicised the judicial process and even legitimised martial law (Newberg, 2002). It was from these cases that the doctrine of necessity and roads to military *coup d'etat* were laid in Pakistan. This is discussed by other studies such as (Niaz, 2020) (Kureshi, 2022). Therefore, for most of the time the appointment, the independence of judiciary and its linkages to the executive have been the most researched subject in the field of Law and justice in the context of Pakistan.

2.3.2. *Politicisation of the question of Judicial Appointment and the Constitutional Development*

During the early days the country was engulfed by many problems such as refugee settlement as there was a huge influx of mainly Muslim refugees from India to subcontinent and on the other hand many Hindus and Sikhs were migrating to India. Moreover, the state apparatus and the Government resources were also not adequate (Wright Jr, 1974; Zamindar, 2007; Datta, 2012). Therefore, refugee problem had an enormous impact on the politics and society of Pakistan. There still existed question of unjustifiable division of Muslim lands where some of the Muslim majority areas were given to republic of India (Ranjan, 2023; Kumar, 1997; Roy, 1990). Dispute also existed over the division and distribution of armed forces personnel, equipment and infrastructure (Sengupta, 2014; Krishna, 1998; Sengupta, 2014). In the midst of all this Pakistan also lacked constitution. The Government of India act was adopted as an interim constitution and under the Indian independence act Pakistan was supposed to draft a constitution of its own, until then the Governor General was a representative of the British Monarch.

In the midst of this political situation and social chaos, it is understandable that institutional development from a people perspective was at the backburner (Hussain, 2008; Kapur, 2006). The most important of topic of influence and importance as showed in Figure 1 and discussion above was that of judicial appointment and that has remained one of the most important subject of judicial reforms in Pakistan. Please see (Khan, 2014) (Munir, 2018) (Gohar, et al. 2023; Shamshad, et al. 2022; Khan, 2021). One of the reason of this overemphasis and obsession with the case of the Judicial appointments is perhaps the political significance the power factor that is associated with the judicial appointment.

Moreover, this has also been in many cases during different time period a heated and controversial area. The one who appoints the judge and has the ability to remove certainly has important say over outcome of justice which could be easily tilted towards his or her preferences (Newberg, 2002). It is perhaps the same reason of using political

power to influence appointments, transfers and ultimately independence of judiciary that has led to famous cases which sometimes have toppled governments. For instance, the 1994 famous judges case, the judges case in 2011 are examples of the judiciary standing in the way of the legislature and the political government. Judicial independence has therefore received much attention in the scholarly literature compared to other subjects that also form important components of judicial reform.

Pakistan's Judiciary worked even in the midst of the constitutional crisis, however its modus operandi was very much defined by the 1935 Government of India act. Its structure, the judicature and the procedures of hearing and most importantly the appointment and removal procedures of judges were adopted from the 1935 act. There is a strand of thought that believes that the constitutional crisis, the failure of the first constituent assembly, the leadership vacuum that was created by the demise of the founding father Quaid-e-Azam Muhammad Ali Jinnah were some of the contributing factors that barred Pakistan from embarking on the path of institutional development (Kapur, 2006; Baid, 2011; Samad, 1995; Abbas, 2023; A. Ahmed, 2005) and hence judiciary like the other institutions remained as it was with changes happening only where they were politically relevant. In the midst of the political constitutional crisis there had been another rift between the right wing conservatives, right wing islamists, the right wing liberals and the leftwing some influenced by China, some from USSR (Kanet, 2006; Lüthi, 2020; McMahon, 2013; Westad, 2005). This ideological rift between different groups in the society further complicated the problems of reforms and institutional development since all of the ideological groups and forces had their own idea of reforms and were most of the time conflicting with each other.

Another less investigated but important aspect was the nexus between the local elites most of whom belonged to the landed class, the military elites who had been some of the few officers of Indian origin to joining the Royal British Army as commissioned officers, the civil service officers and finally the metropolitan elites. Laws, legislation, institutional reforms, improvements in judiciary were all subjects where in this nexus had a say and it effectively adhered that such changes should benefit their nexus. This proved to be another hurdle in the development of institutions (Alavi, 1972; Alavi, 2002).

This shows that a multitude of factors contributed to the constitutional and political crisis which in turn affected the institutional development and thus leaving an imprint on the judiciary as well. According to the literature reviewed earlier judicial independence, appointment of judges and the role executive could play a role in manipulating the judiciary were some of the most important subjects areas of judicial reform where in scholarship has contributed more than other topics or areas that fall under the purview of judicial reforms. This tendency of the scholarship makes judicial appointment the most researched topic in the realm of judicial reforms in Pakistan. Figure two below summarised the changes and reforms that have taken place in the judiciary over the years. It is visible that the concentration has been on the appointment, qualification, the power of removal of judiciary and these are the areas where we see major changes in the constitution of different eras of Pakistan. While structure of judiciary, funding, innovation, making access to judiciary, sludge, corruption etc. are not given due importance. Table 2 shows the amount of research that different subjects have received over time in the realm of judicial research.

Table 2 gives the detail of changes from 1950's up until the second amendment. It can be seen that changes in Figure 2 reflect the research trends in Figure 1 signifying that the scholarship was more interested in the issue of judicial appointment. since Figure 2 clearly states that all major changes took place in the fields of appointment of

judges which is a channel to impact judicial independence. We don't see corresponding changes in number, intensity or from jurists and professor of law giving importance to the other issues of judicial reform. It appears that in Pakistani academia as well as the judiciary itself and the legislature judicial reforms are primarily concerned with the appointment of judges to judicial offices.

Table 2

<i>Appointment and Qualification of Judges under Different Legal Frameworks</i>				
Appointment				
Constitu- tion/Time	(SC)	(HC)	Qualification	Comments
1935 Govt. of India Act	As was in the case of the 1861 act, the method of selection and removal of judges remained unchanged and the British Crown still maintained its power in appointment and removal of Chief Justice.	Any judge of the High Court was to be appointed by the British Crown		It was a structural change in the colonial India. While the method of appointment and it being a prerogative of the Monarch, the 1935 act set certain qualifications and standards for one to be appointed as Judge. Earlier the judge had to be a barrister ,one that has practiced law while now the competent authority could appoint some one from the judiciary or the even the Civil Service
1956 Consti- tution of Pa- kistan.	The President of the state was empowered with appointment Chief justice of the Federal court (Supreme Court)	The HC chief justice was to be appointed by Consultation of the President with chief justice.	For supreme court chief Justice, the nominee must be a citizen of Pakistan, Has remained a judge of one or more high courts for five years in succession. And has been a pleader or an advocate for fifteen years at one or more high court.	Not much was changed as the power of the Monarch transferred to the President. The President could appoint any chief justice and could remove it after following procedure in the national assembly. the President was also the competent authority to decide the number of judges in courts.

Appointment				
Constitution/Time	(SC)	(HC)	Qualification	Comments
1962 Constitution of Pakistan.	<p>The president appointed the Chief justice of the Supreme Court.</p> <p>The other judges of the Supreme court are to be appointed by the President in consultation with the Chief justice</p>	<p>The president had the power to appoint the Chief justice of a high court in consultation with Chief justice of the supreme court, and governor of the concerned province.</p> <p>In appoints other than chief justice of the said high court the president would also consult with the chief justice of the concerned high court for appointing a judge to the high court.</p>	<p>For a supreme court chief justice it was required of a Pakistani citizen to be have served as judge of a High court for a period of five years in Pakistan or even in court that preceded the commencement of Pakistan I.e. in united India. And also has served as a pleader or as an advocate for fifteen years in Pakistan or in British India</p> <p>For supreme court judge the requirements for a Pakistani Citizen were</p> <p>To have served as a pleader or an advocate in the high court in Pakistan or British India for fifteen years, has been a member of the civil service for not less than ten years or has exercised the functions of a district judge.</p> <p>He should also have held a judicial office for 10 years.</p>	<p>The judicial commission formed in the 1960 gave recommendations however none of those recommendations especially with reference to the appointment of the judiciary were implemented by the state.</p> <p>Moreover, by passing all procedures the president interviewed judges directly in an infamous unconstitutional move.</p>
1973 Constitution of Pakistan.	A panel of judges was nominated by the Chief justice to the President and	Chief justice of the concerned high court forwarded a list to	do	The Judiciary had a monopoly over who the appointment process. It

Appointment				
Constitu- tion/Time	(SC)	(HC)	Qualification	Comments
	the President se- lected a judge from amongst the panel	the President routed through the Governor of the Province and the Chief justice of the Supreme court		<p>had a pivotal and central role. The office of the chief justice exercised central control and was the most important office in the selection and appointment process. And so was the role of the Provincial Chief justice office.</p> <p>Later in 1996 the powers of the president were further curtailed and were made merely symbolic since according to the verdict of the judges case the Recommendation of the Chief justice were binding upon the President and if the office of president differed it had to give valid reasons and submit it in writing. The court would then judge the extant to which those reason were valid.</p> <p>The judiciary appeared to be more in control. It was as if there had been a 180 degree flip.</p> <p>The 18th amendment was a landmark event one that had far reaching impacts on the Pakistani society economy and politics. Amendment in judiciary was a part of the amendment.</p>
18 th amend- ment	<p>The appointment of Judges was now a two-tier process. The Judicial commission and the parliamentary committee.</p> <p>The JC was headed by the chief Justice and it included two senior judges of the</p>			

Constitution/Time	Appointment			
	(SC)	(HC)	Qualification	Comments
19 th amendment	<p>SC, the Chief Justices of High Courts, Two senior judges of High courts federal and provincial law ministers and a senior advocate of the Supreme court Bar council. The JC would nominate judges and forward the list to the second tier which was the parliamentary committee.</p> <p>The PC comprised of 8 members. 4 from the national assembly and four from the senate. The representation of Treasury and opposition was equal.</p> <p>The PC would then forward the list of the recommended judges to the President through the office of the Prime minister. The president would then approve the Final list.</p>			<p>It was major change since it provided a balance in the judicial appointment process. As opposed to earlier practice where the supreme court and esp. the office of the chief justice exercised a great degree of control, now a balance was created by bringing in the parliament too.</p>
	<p>The number of the judges in the Judicial commission was increased to four.</p> <p>The parliamentary committee had to communicate sound reason if it any case did not agree with a particular nominee or the nominations sent by the JC.</p> <p>If the Judicial commission did not</p>			<p>The judiciary did not accept the change and proposed changes. The Parliament gave in to the changes. The judiciary was able to increase its presence in the JC thus being able to exercise control in the JC. It also gained back its right to reject the reasons</p>

Constitu- tion/Time	Appointment			Comments
	(SC)	(HC)	Qualification	
	accept the just- ification provided by the PC, then the President has to accept the nominat- ions sent by the JC.			that are communi- cated by the PC in- case they did not agree with the nominations of the JC. Thus it nine- teenth amendment reverted it back to the way it was only the form changed. Judiciary still maintained its in- fluence

2.3.3. Accountability of the Judiciary and Measures Against Corruption

The constitution of Pakistan gives full authority to the President as head of the state to investigate and hold accountable a judge esp. referring to monetary accountability (Zia, et al. 2021). Although holding a check and balance on the judiciary is important such a check should be exercised by the President on the advice of the PM under article 48(2) of the constitution rather than 48 (1) which gives discretionary powers to the President in initiating an investigation against a judge of a supreme court (Zia, et al. 2021).

The body that is empowered with the investigation of misconduct by the judges and one that can hold judges into account is the Supreme Judicial Council. The SJC comprises of two supreme court judges two most senior chief justices of the high courts. The council is headed by the Chief Justice of Pakistan. The council derives its power to hold judges accountable from the article 209 of the constitution of Pakistan. So far seven cases have been referred to it, out of whom one judge was removed and stripped of all benefits. 3 have been acquitted of all charges. While three have been acquitted and retired.

Accountability of judiciary is most important and integral part of good governance but Pakistan's worst performance on the many of the internationally accepted indicators of corruption places it amongst the most corrupt countries in the world. this has an impact on other institutions particularly the judiciary (Iqbal & Mustafa, 2022; E. Ahmed, 2020; Iqbal & Mustafa, 2022) while discussing the accountability of the judiciary review the different systems through which accountability is carried out. One of which they refer to as the vertical accountability, second one is the horizontal accountability and third one is the diagonal accountability. Vertical accountability refers to the holding the public offices and official in the judiciary accountable through the legislature and the democratically elected representatives of the people. While the horizontal refers to the creation the institutions such as the supreme judicial council while the media can hold the judiciary accountable through the diagonal accountability. Looking at these different mechanisms it would appear that in many cases they work together although may not work in a coordinated fashion for example in the infamous case of murder of Shahzeb Khan; the judge ruled in favor of the murderer Sharukh Jatoi. The media held the judge accountable and it was a big news in the country. later on the supreme judicial council also removed the said judge from office without any benefits.

The focus of the scholarship in-terms of judicial accountability seems to be more concerned with financial accountability of the judiciary. For instance, (Iqbal & Mustafa, 2022) while reviewing different modes of accountability stress the importance and

efficacy of National accountability Bureau as the most important and pivotal when it comes to vertical accountability. Other related studies include the (Ahmed, 2020).

(Zia, et al. 2021) while trying to assess the efficacy of judicial accountability also focus primarily on the financial aspects of the accountability of the judiciary. For instance (Zia, et al. 2021) dwells deep into the question of ownership of property of a judge, the question of ownership of property and other assets by the children and wives of the judge and so on.

While these questions are important and given the state of corruption that plagues the underdeveloped world, it is still also important to understand that there are many other dimensions that should be included in the accountability debate. For instance, political influence or personal biases of the judges, and the fact that there can be many cases and scenarios where the benefits are not of financial and even tangible nature. How to hold a judge accountable for such sort of misconduct is a question that has not been discussed in the literature on accountability of judiciary in context of Pakistan.

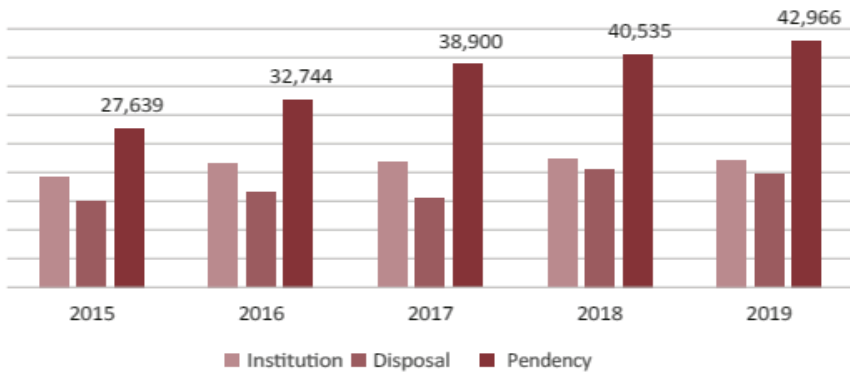
Waseem (2012) gives an interesting take on the reforms of the judiciary with special reference to the 18th Amendment and discusses quite eloquently that while the focus of the judicial reforms in Pakistan has been on the judicial appointment especially in the 18th Amendment other important areas of reforms such as the holding judiciary accountable, proper and well enforced checks and balances on the judiciary and the speeding up of trials in courts have been neglected. As shown in Figures 1 and Figure 2, judicial appointment has been the major focus of judicial reforms and constitutional changes directed at judicial reforms more than any other area. Waseem holds the view that while judiciary in its activism and *suo-moto* drives talked about accountability of the public and the government and took more interests in cases of political nature it neglected its role in making the everyday lives of a Pakistani citizen better and this happened because of the independence of judiciary from any public officer not only in appointments but in accountability as well.

The accountability of judiciary is not an isolated phenomenon. It has to be looked at in the broader legal framework. Independence is a integral part of free and fair judicial processes and it enables the judiciary to work in a free manner, however there must be legal and constitutional limits imposed on the judicial independence and appointments. For instance as discussed in earlier section the judiciary actually vetoed the 18th amendment where it talked about the judicial commission and the parliamentary committee and imposed its version of the judicial appointment bringing in a 19th Amendment. The power afforded to the judiciary through the judicial review shields it from oversight. Moreover, the politicisation of judiciary, its role in different important political events sometime makes it assume the role of a political player rather than an institution that is supposed to uphold justice and an unbiased view so that it can ensure the rule of law

2.3.4. Backlog of Cases and Delayed Justice

Another important issue that should be part of the judicial reforms process is the backlog of cases. According to studies pendency of cases esp. criminal cases takes more than 5 years in the country (Ghani, et al. 2023) and hence justice is delayed and denied to the people. According to the sludge report on judiciary as part of the PIDE Sludge Series the backlog of cases has been increasing over the years' Figure 3.

Fig. 2. PIDE Sludge Audit Report
Trends in Institution, Disposal and Pendency of Cases in The Supreme Court of Pakistan



PIDE research states a number of reason that cause delays and contributes to cases back log.

They include.

1. Inadequate infrastructure, number of judges, low level of compensation of the judicial staff.
2. Abrupt transfers making it difficult for new judges to familiarize themselves with the current cases.
3. Non-cooperation and incompetence of the Police department and the Police Service of Pakistani.
4. Un-called for adjournments.
5. Bribe culture in the court staff.
6. High costs of litigation.
7. Outdate code of civil procedures.

Therefore, when discussing judicial and legal reforms of Pakistan, this urgent matter of pendency and backlog of cases need to be considered. As depicted clearly in the Figures 1 and 2, there is a dearth of research on pendency of cases and the piled up back-log due to that pendency.

Fig. 3. Institution of Cases vs Pendency

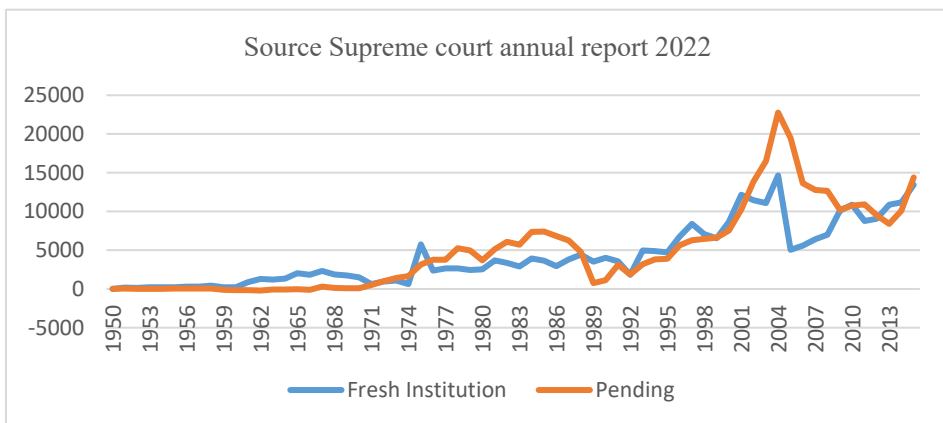


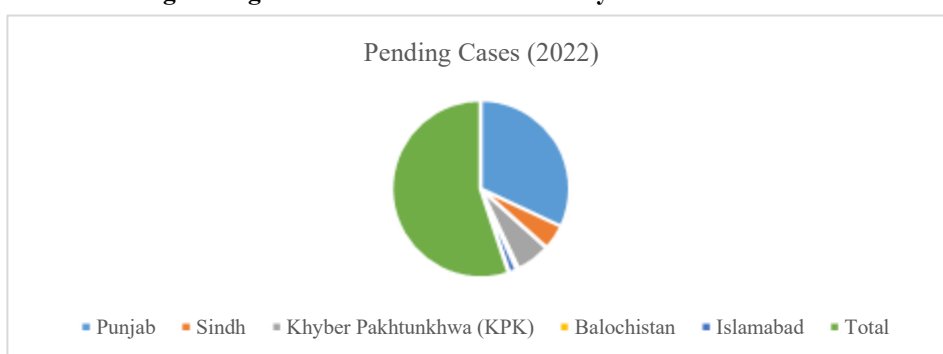
Figure 4 shows the increasing trend in Pendency of cases while Figure 5 point out to the negative balance for several years which means backlog of one year being shifted to the next shows that that pendency of cases is an alarming and issue and should be a focus of judicial reforms.

Table 3

<i>Court-wise Pendency Rate Calculated on Data from Annual Judicial Reports</i>	
Court	Pendency Rate
Supreme Court	506% (period January-June 2023) ¹
High Courts	280% ²
District Courts	84% ³

The work done by PIDE in this regard proves to be a major contribution to the academic and policy literature. For instance in an unpublished policy brief prepared by AJ Pirzada for PIDE, he dwells deep into the status, causes and consequences of the delays and provides certain recommendations (Pirzada, et al. 2023). They have explored the different barriers that are preset at the procedural, structural as well[as institutional barriers that result in piling up of cases. For instance, the summoning process of the courts following the outdated CPC. and misuse of provisions in the different orders of the CPC make room for more delays. Case load was another issue contributing to backlog and pendency of cases.

Mainstream scholarship on the issue of backlog and pendency of cases for instance (Bilal & Khokhar, 2021) (Ghani, et al. 2023) while investigating the backlog of cases and the growing trend in pendency give similar findings as given by PIDE audit report volume 3 and (Pirzada, et al. 2023). They report that its is the procedural complexities, the out dated laws of colonial origin and they, add the attitude of judges and the lawyers' community as another factor that leads to unnecessary adjournments, delays and piling up of cases.

Fig. 4. Region-wise Situation of Pendency for the Year 2022

¹ Supreme Court of Pakistan Annual Report 2022-2023.

² Law and Justice Commission of Pakistan. (2023). Judicial Statistics – January to June 2023. <http://www.ljcp.gov.pk/reports/bar1.pdf>.

³ District Judiciary of Pakistan Annual Report 2022-2023.

The issue of pendency has been thoroughly investigated by scholars and researchers in the field of law. For instance (Chowdhury, 2004) while discussing the delay in civil litigation talks at length about the outdated procedural codes. (Chowdhury, 2004) discussed the reasons for the delay in justice but alongside that the study sheds light on the resource cost and other monetary and non-monetary costs attached to it. Swift and easily accessible justice is the right of every Pakistani according to the constitutions of Pakistan. Swift and cheap justice therefore cannot be achieved in a regime of laws and procedures that are complex (Bilal & Khokhar, 2021).

The existing backlog of pending case is so huge and the inability of manpower in terms of judges, judicial infrastructure, space and trained personnel all make the situation all the more difficult. (Bilal & Khokhar, 2021) while discussing the gravity of the issue quote figures from the report titled “*a study of informal justice system in South Asia*” and give astonishing figures. According to the figure quoted by Bilal & Khokhar (2021) that Pakistan would need 25 years of time to clear the backlog provided that no new cases are filed in those 15 years. The average time needed by a court to decide a case is 25 years where in an extra five years are taken to issue a decree. However, one must remember that these are quantitative averages and one cannot blindly trust them.

The statistics for the pendency of cases are also alarming. (pendency rate can be calculated for each court by dividing the total pending cases by the total number of instituted cases.

The total number of cases in the supreme court in the 2023 as per the “*supreme court of Pakistan annual report 2022-2023*” Pending Cases for the time period were: 55,187 and Cases Instituted for the period were: 10,906 giving us the pendency rate of 506%. This alarmingly high rate suggests that for every 100 cases instituted there are 506 cases pending. This can also be considered as a sign of inefficiency of the Supreme

The procedures are such that it squeezes the financial and physical energy out of the parties involved. According to F. S. Khan, (2004) an average suit incurs a cost of 0.2 to 0.3 million rupees on the two parties and resolution of a civil case requires at least 72 visits on average. Moreover these figures are from 2004 the costs today are much higher both in nominal and real terms.

Most of the scholarship tends to agree on certain points as being the major reason behind the backlog and pendency. For instance, PIDE in the Sludge audit report gives a number of reasons where in the inadequate number of judges is one of the reasons. Similarly (Bilal & Khokhar, 2021) emphasise the increase in the number of judges and more manpower. This is supported by (Baxi, 2008; Sherwani, 2006).

3. LEGAL REFORMS

3.1. Introduction

Legal reforms is a wider topic. The judiciary and all else works within the framework provided by the legal set-up of the country. Therefore, the term legal reforms encompass and intersects many aspects of the society. It's a total or in-part upgradation of a society's legal framework, its laws, judicial systems etc. it includes the replacement of old laws with new one, improving the already existing legal mechanisms and formulating new laws as the need arises. The issue included in the legal reforms are almost universally same for example in the United States and in Pakistan the legal reforms relating to health care would mean an improvement in the current health care systems

through new laws and improved version of existing laws through amendments. However, the institutional structure of the two societies, their background, history, financial, moral, human, physical and social capital all will make a difference and hence would warrant that these be studied differently.

Understanding legal reform from a historical perspective with a sociological and political lens therefore gives a more accurate and apt explanation of the current state of a society's legal framework. One cannot look at legal reforms and changes in isolation without giving due importance and taking help from the discipline of history, sociology, political science, and economics. For instance, Pakistan came into being in 1947 and later on adapted its first constitution in 1956. And it experienced a constitutional and legal crisis but are these events of constitutional and legal chaos isolated events from the society? Or are they are a part of who we are as Pakistanis? To understand the journey of Pakistan's constitutional development and legal structure it is of paramount importance to take into account other factors that define the current structure. Factors such as Social Groupings, Castes and Religion, Ethnicity, History and most importantly Colonialism.

3.2. Trends in Research on Legal Reforms

Looking at the current scholarship on the issue very few have given some weightage to the collective past of India and that strand too doesn't attempt to link it to current legal frameworks and neither does it present a critique on the indigenous systems. The scholarship seems content with mere description of "how things once were" rather than "how things have changed, what caused them to change". Thematically the major area of discussion in the context of Pakistan includes Colonialism, Colonial laws, Islamisation, Criminal Justice, Police laws and Anti-terrorism laws which have received more attention than others.

For this section of the paper a variety of topic and sub-areas could have been chosen however based the criteria of frequency and importance given to certain sub-topic which include Constitutional development, islamisation law-enforcement, police laws and Colonial heritage of those laws made these sub areas as suitable candidates to discuss the type and level of reforms that have taken place in country.

3.2.1. Colonial Heritage and Constitutional Crisis

The parts of the subcontinent that comprise of Pakistan today have been under colonial rule for around 200 years. The colonial rule reshaped and transformed the society. It started off by introducing a type of state that was alien to the indigenous people of India. People in this part of the world were used to a state that only became visible once you entered the Palace. Outside the palace, the state and its symbol were not found in the way they were found during the British colonial state. The British state was more interventionist and visible (Kaviraj, 2005). Perhaps the story of the legal turmoil and confusion begins when the foreigners imposed their legal system which was actually designed to benefit the colonial state at the expense of the people. Those institution persisted in the post colonial societies and thus they explain modern day state of these societies (Acemoglu, et al. 2001; Acemoglu, et al. 2002).

As part of the partition plan and empowered by the Indian Independence Act, Pakistan and India became two independent countries with the 1935 constitution as their interim legal set up. Both countries were supposed to come up with their constitution until then the Governor general was a representative of the British Crown. India promulgated its constitution in 1950 while in Pakistan the issue became a legal crisis having far reaching economic and political impacts. Most scholarship appears to be in agreement on

the fact the colonial heritage defines current day legal framework and is a reason for the current legal problems hence they put forth that argument of a revamp and disconnection from colonial roots. Please see (Tariq, 2016; Siddique, 2013; Hassan, 2020; R. A. Khan, 2000; Gilmartin, 2009; Zakir, et al. 2021; Khan, et al. 2023; Khan, 2020)

This strand of scholarship argues that during the Raj laws were not made keeping in mind the societal interests but rather the economic and political interests of the colonial raj. We see an agreement between this line of thinking and (Acemoglu & Robinson, 2015) (Acemoglu, et al. 2002) (Acemoglu, et al. 2001) who also focus on the colonial linkage in terms of the institutional framework which include the legal and relating to law as well.

Tariq (2016) gives a novel argument as he finds elements of both the American judicial process as well as the supremacy of parliament where judiciary takes a back seat. According to (Tariq, 2016) the British legacy of Pakistan has made it stick to the British version however, later on by adopting the judicial review process the system became a hybrid of British conventionalism and American egalitarianism while acknowledging the colonial legacy of the Pakistan's legal system (Zakir, et al. 2021); further supports the argument of colonial imprint while also pondering on the fact that after the English took over there were parallel legal systems functioning in India. There were different laws for the settlers and the legal mechanisms and procedures were different for the indigenous population. Upon independence the Government of India act was adopted as Pakistan's legal framework and new experimentation began with the legal structure of the country.

3.2.2. *The Early Years*

Pakistan came into being in a bi-polar world, a world that had recently experienced a great war. The big powers that ruled the world were no more powerful enough to maintain global hegemony as they once did. There were two competing giants (a) the USSR; and (b) USA. The tension and conflict between these two powers affected regional politics and had profound impact on newly independent countries. The external situation had a great impact on Pakistan just like it had an impact on the all countries that had been recently decolonized (Kanet, 2006; Luthi, 2020; Mc Mahon, 2013; Westad, 2005). The recently independent Pakistan was suffering from a constitutional crisis. There was a tension between the extreme right wing the left wing and confusion as whether this country was an Islamic state, a secular democracy or was supposed to be communist or socialist republic (Ahmad, et al. 2023; Ali, 2023; Shoaib, et al. 2023). This early confusion was also one of the reasons why in the beginning the country couldn't come up with a workable legal framework suited for the people. The popular view was that Pakistan was an ideological state, if so where was the system that the ideology demanded and how to bring into operation the ideology on which the state was founded?

In the midst of this confusion Pakistan endured a constitutional crisis. The first constituent assembly whose main job was to come up with a constitution for Pakistan was formed under the Government of India Act 1935 (Abbas, 2023). The first constituent assembly couldn't fulfil its job and was dismissed. Soon after a second constituent assembly was constituted. It was able to give the first constitution in 1956. The constitution was abrogated in 1958 and martial law was imposed by Iskander mirza the first president of Pakistan. The reigns of power transferred from Mirza to General Ayub khan, and later on in 1962 a new constitution was passed giving immense power to the office of the president. The constitutional history of Pakistan is stained with coup de'tats and military takeovers. The constitution, which is most sacred document of any nation has been abrogated many times and held in abeyance as well. There were interim orders

such as the legal framework order during Zia which have been used as the legal basis for decisions and interpretations.

While the constitutional chaos was one of the problems Pakistan had to deal with, she also had to face Islamic vs. secular state. The question still remains unclear with both sides still having equally valid and strong arguments. However, while researching Pakistan's past especially in the context of legal reforms and the country's legal journey, islamisation of laws, Islamic legal and judicial system form important and well researched themes.

3.2.3. *Pakistan and Islam*

Pakistan came into being after a struggle by the Muslims of India. It was a political struggle and the partition of India was the hallmark or the climax of this political movement. Right after the independence the rift started to become visible on the one side we had the western educated Muslim elites and on the other there were the *Ulema*. While a minority existed that subscribed to Marxist views and believed in a Marxist socialist system (Zaman, 2018). Some believe that the founders were secular and hence they wanted a secular Pakistan (Haqqani, 2013; Haqqani & Fradkin, 2008; Kubba, 2008) while other believe it to be an Islamic project (Ahmed, 1982) however this debate does not have a logical conclusion. An important takeaway from the existence of this debate is the fact that there is a lack of common understanding regarding the origins of Pakistan. While it's true that history always has many versions and all have some partial truth, it is also true that there needs to be a common ground from where the journey can begin. In case of Pakistan the issue of islamisation as well as secularisation have hindered reforms in many areas particularly in the legal domain. It has created a confusion, one that does not lead to creativity and innovative solutions but more divide and chaos.

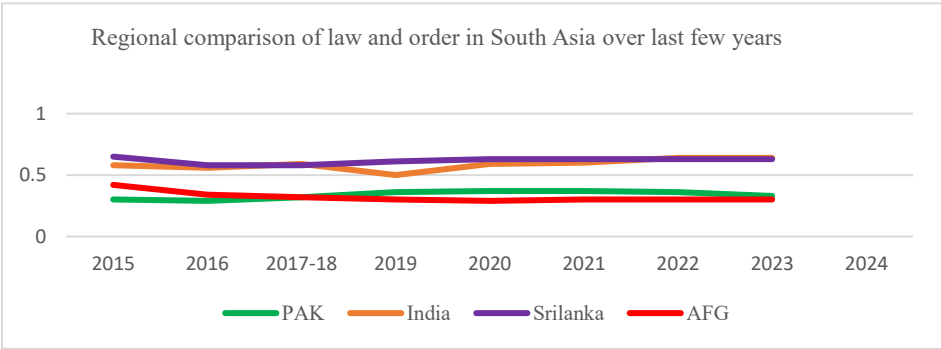
While Many scholars while discussing the trends and the changes in the Legal and judicial system of Pakistan stress on the islamisation, the tendency of islamisation, the dispute regarding the islamisation of laws, the compatibility of current legal structure with Islamic provisions. Most of the scholarships agree that the islamisation has remained an issue of significant consequences and impact on the overall legal and judicial reform processes. Cheema while analysing the islamisation discourse points out that islamisation debate has been the backburner for first three decade of the creation of Pakistan islamisation of laws had been a topic of debate and concern but not of consequence especially in early years and during the constitutional crisis (Cheema, 2012). While acknowledging that there exists a tussle and a confrontation between two ideologies Cheema maintains that there has always existed the debate of islamisation vs Secularisation of laws.

The proponents of islamisation argue that since the country came into being in the name of Islam therefore it should have an Islamic system while the opposition believes that Islamic legal structure would hamper the functioning of the Pakistan (Cheema, 2012). While it is a debate of two conflicting views, writes Cheema, there is some common ground between the two narratives. For instance, both of the narratives base their arguments on the completeness of Islamic legal structure. One then believes that the adaptation of the Islamic system would uproot all evils present in the legal and judicial structure while the other beehives that it will lead to retrogression and will not allow for synchrony with the modern world, however both also seem to be in agreement on the unidirectionality of the Islamic system where the religion and its politico-economic system will impact the society for better or for worse but not in the other way around.

Islam and islamisation of laws has also been popular subjects among writers , with some asking for an Islamic legal and political system and its advantages for the Pakistani society (i) (Redding, 2003) and its necessity since it was an Islamic state but lack of understanding of Islam, erroneous interpretation by the clergy and Islamic reforms standing in the way of the new elites and powerful classes of the western educated elites proved to be barriers in instituting Islam in true spirits (Shaikh, 2017) . while others basing their case on the need for modern legal and judicial frameworks. While bulk of literature talks about the overall islamisation some such as Khurshid Ahmed, Charles Kennedy and others devote a great deal of discussion to the role of courts in delegitimising “Riba”, Interest or usury and the challenges that are there in making such prohibition through the superior judiciary (Hathaway, & Lee 2004).

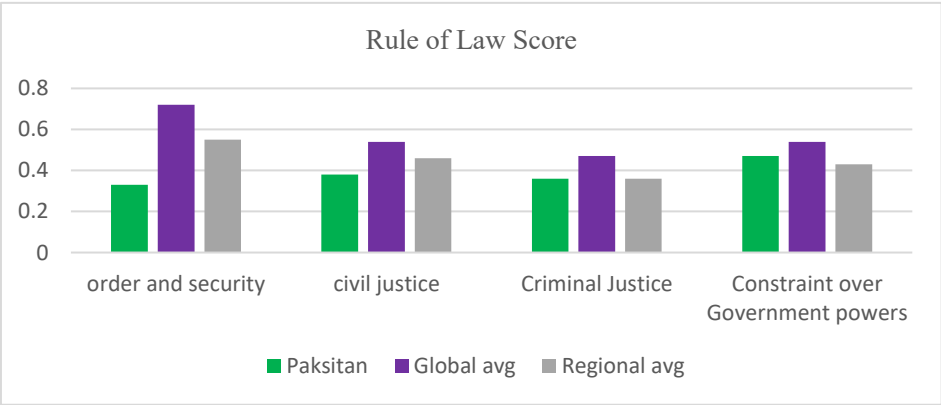
3.2.4. Law and Order

Fig. 5. Regional Comparison of Law and Order



Law and order have been another very important theme that is most discussed with reference to Pakistan. In fact, Pakistan’s poor standing in the law-and-order index, a crippled criminal justice system, lack of competent and trained law enforcement make the issue of legal reforms in area of law enforcement all the more important. Figure 4 gives a snapshot of Pakistan’s Law and order performance which has been declining and at time has been worst compared to war torn neighbor Afghanistan.

Fig. 6. Rule of Law Score of Pakistan in Comparison to Global and Regional Averages



Pakistan has maintained its low score on various law and order indices such as order and security, civil justice and criminal justice (Figure 6). These are some of the most common factors that are used in the calculation of the rule of law index maintained by the world justice program. Pakistan also lags behind the global average significantly ranging from 20 points to 32 points in some cases on different factors. Therefore, for section of legal reforms the current papers attempts to look into the area of judicial and legal reforms with special reference to Law and order, security and the legislation and rules governing the Police which is ideally the basic state organisation that is tasked with the protection of the rights, lives and property of the people.

3.2.5. *Legal Reforms and the Police*

In case of law enforcement, the police is the most appropriate institution which can serve as a barometer for assessing the quality of the existing laws and also the level of enforceability. Looking at the way a particular police service or police organisation is structured gives valuable insight into the nature of the laws that is governing the organisation, the impact of the laws and the legal set-up on the end consumer “the public” and most importantly it reveals the purpose and jurisdiction of the organisation.

The Policing organisation in Pakistan can be divided into three cadres. It has officers joining it through the competitive exam known as the Central Superior Service exam, another cadre is of promotees who are officers that are promoted from the ranks mostly from the ranks of Sub-inspectors and the third cadre is of those who join as sepoyos or foot constables.

Post Independence Pakistan adopted the same administrative, legal and organisational structure as that of the British raj (Qadir, 2011). The Police Act was also passed in 1861. Although during the British time, the police were not part of the Civil Service, later on, after the partition, Pakistan added the police to the CSS⁴ groups.

The outdated 1861 act has been in practice in Pakistan and serves as the basic police document. There have been several attempts at reforming it to a more societal friendly legislation but with little success. As a consequence, the age-old Criminal procedural codes and the civil procedural codes are in place throughout Pakistan.

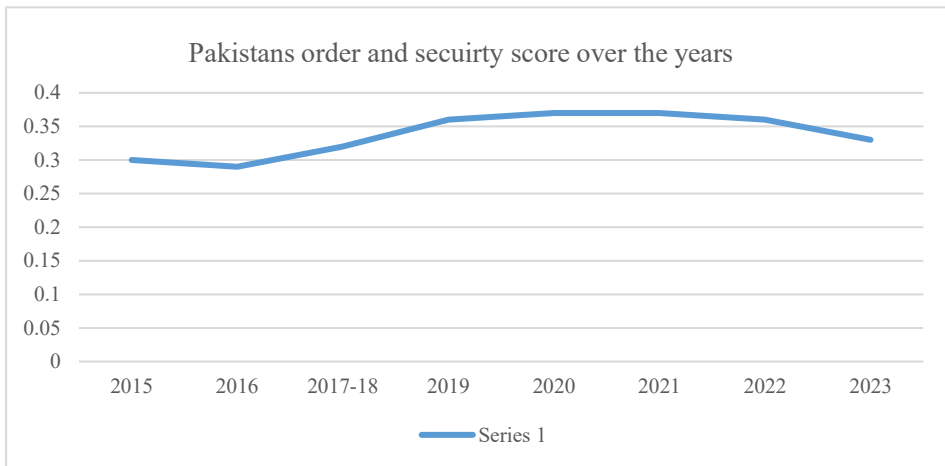
The police system that Pakistan inherited was in no way fit for the administration of Pakistani society, which had recently become independent (Imam, 2011). (Imam, 2011) while discussing the 1861 police act that are still enforced in Pakistan terms them as “unfit” for governing a free society. These laws were made for the sake of the British raj to keep the indigenous people in check but are not appropriate for modern and free nation police has become a symbol of coercion and is not looked at as source of protection but fear. An entity the public has not or little trust in. It has failed in its duty which is ideally to control crime and is more of tool used by the elites and powerful groups of the country (Malik, 1997; Haroon, 2004; F. Khan, 2023; (b) Khan, et al. 2023; Khan, 2020).

The Sindh assembly initiated a bill to modernize the police of Pakistan and reform it based on the modern models available in Goa and Mumbai however the process could go further due what Shoaib Suddle terms as politics of police reforms (Suddle, 2002). Looking at the dismal state of the Police in Pakistan and its colonial heritage as a paramilitary force rather than a peace preservation and crime control organisation Sir Oliver Gilbert Grace recommended in 1951, a total overhaul of the police system of Karachi (Ahmed, et al. 2006). His recommendation were followed and a team headed by

⁴ Pakistan Civil Service is called Central Superior Service, abbreviated as CSS.

justice Constantine was sent to India. The job of the commission was understand and analyse the police setups of Goa and Mumbai and how can those models be applied in Pakistan as reform projects starting with the federal capital of Karachi. However, the commission could offer much help since upon its return the federal capital was moved to Islamabad (Suddle, 2002).

The first shift that actually changed the structure of poling organisation and also made changes to the entry, job safety and conduct came at the time of Zulfikar Ali Bhutto where certain innovative practices such as lateral entry were introduced to the police service. Stripping the civil service of job security made it unpopular especially among the civil servants (Imam, 2011), however some believe that these changes were used for political purposes.



Later on in 2002 the police order given by Pervez Musharraf was a radical departure from the past. It was an attempt to completely revamp the policing structure and the way policing was practiced. However in 2004 the due to opposition from Political elites backing Musharraf and the PSP it self the order could not be converted into a law, Khan, et al. 2023.

Table 4 below gives a comprehensive account of scholarly work dealing with structural and organisational reforms in the Police service of Pakistan. The inclusion criterion for the articles was (1) publication in HEC⁵-recognized journals, reports of reputed and credited organisations like Transparency International, and others.(2) Accessibility through HEC databases with the themes of the structure and organisational culture of the Police Service of Pakistan, its legal aspects, and colonial origins. (4) Articles /Publications that did not meet the criterion were deleted from the total sample of 27 articles.⁶

While bulk of literature is centered round the colonial past and the structural form of the Police as service and as a force there are some other areas with regards to police reform which have also received attention from the scholars. Corruption being the second

⁵ Higher Education commission of Pakistan

⁶ The table is inserted here for a snapshot of the nature and type of research that has taken place in the context of reforms in the Police Service of Pakistan. Themes regarding colonial legacy were extracted from this section. It may serve as a starting point for researchers interested in studying the Colonial origins of the Police Service of Pakistan and the various attempts at reforms.

most researched topic in Police reforms and the service has retained top 3 spots in many of the Transparency International Reports. Some notable studies include (Malik & Qureshi, 2021; F. Khan, 2007; Singh, 2022); other studies focused on the perception of police in the eyes of the public and how the police as an organisation of social control is perceived in the eyes of the people (Ullah, et al. 2016; Jamal, 2011) and (Jackson, et al. 2014).

Table 4

*Literature on Reforms in the Police Service of Pakistan During
the Period 2001 and 2022*

Name	Title-Journal	Main Argument	Remarks
Suddle (2003)	Reforming Pa- kistan Police: An Over- view. <i>United Nations Asia and</i>	It's an extensive and compre- hensive work detailing the his- tory of the police service and its connection with colonial prede- cessors such as the RIC-mod- elled Colonial Police. The work also presents a critique of the 1861 police act and the system of dual control. Presenting a well-informed critique of the 1861 police act, the linkages of the current polic- ing system of Pakistan with the royal Irish constabulary and the criticism of the dual control the study provides a good starting point to understand the prob- lems with police reforms espe- cially the legal aspects of the is- sue	The fact that in case gross scale police reforms take place and new polic- ing system emerges, the senior PSP as a cadre will be at the losing end. The report doesn't shed any light on the possibility of resistance from the Police to Reforms.
Hassan (2015)	Problems faced by women in police stations: Need for police reforms in Pakistan. <i>Pakistan Journal of Crim- inology</i> , 7(1), 85.	While the situation in police station is not at all people friendly it's even worse for women, women have to face be- havioral issues and feel de- graded when they reach-out to the Police Station to seek professional help.	Hassan (2015) talks about small changes in policing. Since the police are mostly men, women who go to the police for help might be harassed, not taken seriously, or even targeted. The paper explains the problems women face in detail. So, when making new rules and changes, policy makers should think about these issues.
Grare (2010)	Political dimens- ions of police re- form in Pakistan. Policy Outlook.	Giving Financial to the police alone is not enough. There need to be rules that come with it. The police have been used to control people and work with powerful politicians, so the public doesn't trust them. To fix their image, the police need to change their	Grare (2010) focuses on an important idea: connecting police aid and civilian security aid with police re- forms. This could have en- couraged the police to im- prove and do their job properly. The linkage of

Name	Title-Journal	Main Argument	Remarks
		behaviour. Any aid from the US to Pakistan should depend on the police-making these changes. If the police earn the public's trust, foreign aid for security forces will be more effective. The paper supports the Kerry Lugar Bill, which includes these ideas.	foreign aid to police operation can serve as an incentive.
Noureen & Sarfraz (2016).	Structural organisation of Police: Official Record of the Government of Pakistan Based on Cabinet Division and Secretariat. <i>Journal of the Punjab University Historical Society</i> , 29(2)	The British police system and the British police act were much better than the reforms in Pakistan. It's more workable and relevant.	The praise for the 1861 act and the criticism of the police accountability rules under the 2002 order aren't backed by theory or logic. The authors analysed the current police system and its structure but tried to support the idea that the police should not be held accountable to the public.
Perito & Parvez. (2014).	<i>A Counterterrorism role for Pakistan's police stations.</i> Washington, DC: US Institute of Peace	To combat terrorism, the police organisational structure needs a complete overhaul. There should be programs to improve the police's capacity, enforcement, and operations. This must be done within a broader framework of building trust between the police and the public, which is lacking due to the outdated, colonial structure of the Police Service of Pakistan (PSP).	Terrorism is a major issue in Pakistan, but it's more complex than Perito & Parvez (2014) suggest. One problem is that the police lack the equipment to fight terrorism as effectively as the army. However, it's not just about arming the police. The police already have specialized training units in the Counter-terrorism Departments (CTDs) and a national body called the National Counter Terrorism Authority (NACTA). The CTD has gained a bad reputation for abusing power, like in the Sialkot incident where parents were killed in front of their children while chasing a driver they suspected of ISIS ties. The police also have advanced technology from the Safe City projects, with smart cameras covering roads and streets. Some police officers and

Name	Title-Journal	Main Argument	Remarks
Khalid (2017).	Counter Terrorism Police in Pakistan and Role of Police: A Way Forward. <i>South Asian Studies</i> , 32(2), 387-413.	The Police Service of Pakistan's organisational structure has strong ties to its colonial past and has worsened over time. This structure promotes despotism, where the leadership holds all the power. Because of this, regular police officers struggle to do their jobs well. The PSP's structure causes junior officers to perform poorly and experience emotional exhaustion.	the paper's authors, including a high-ranking police officer, use the lack of equipment as an excuse. Reforming police stations requires looking at many issues, not just providing better weapons. There's also corruption and a strict hierarchy where higher-ranking officers have complete control over their juniors careers. Khalid (2017) accurately identifies the organisational issues within the Police Service of Pakistan (PSP) and how these issues contribute to the lack of trust between the police and the public.
Murad, Jiatong, Shahzad, & Syed (2021).	The influence of despotic leadership on counterproductive work behaviour among police personnel: role of emotional exhaustion and organisational cynicism. <i>Journal of Police and Criminal Psychology</i> , 36(3), 603-615.	For better performance, senior officers must engage with and take interest in the work of junior officers. There should be open communication between them, and senior management should build strong relationships with junior officers.	Murad, et al. offer a unique perspective on policing compared to traditional studies. They examined 345 police personnel using econometric techniques and backed up their findings with statistical tests and econometric methods. While their study takes a positivist approach, it sheds light on how the colonial organisational structure of the Police Service of Pakistan affects the performance of both male and female officers.
Islam, T., & Khan, M. M. (2020).	Engaging police workforce through leadership: Explanatory role of four-dimensional commitment. <i>Journal of</i>	To effectively address terrorism and extremism in Pakistan, a competent police force is essential. However, the police face significant challenges due to lack of equipment, inadequate training, widespread corruption, and slow judicial processes. Wide-ranging reforms	Islam & Khan (2020) use a quantitative approach and apply a four-dimensional model similar to that used by Gillet and Vandenberghe (2014) to examine the leadership-subordinate relationship, but they find

Name	Title-Journal	Main Argument	Remarks
	<i>the Research Society of Pakistan</i> , 57(1), 293.	are necessary, but it's crucial to have public support when designing and implementing these changes. Comprehensive organizational reforms within the Police Service of Pakistan (PSP) are urgently needed.	it doesn't fully fit the context of the Police Service of Pakistan (PSP). While their results align with theory, the situation within the PSP raises questions about how its organisational structure hinders a productive relationship between the PSP and its subordinates.
Abbas (2011).	<i>Reforming Pakistan's Police and Law Enforcement Infrastructure</i> . Washington, DC: US Institute of Peace.		Abbas (2011) highlights significant areas for reform, particularly concerning the police's role in counter-terrorism. However, the author mainly concentrates on this aspect, overlooking the broader role of the police as an institution. This narrow focus is also observed in other studies that emphasise the organisational structure of the police.

4. MAIN ARGUMENTS AND FOCUS OF THE LITERATURE

4.1. Key Takeaways from Literature on Judicial Reforms

With respect to judicial reforms the main arguments of the literature have been on the politicisation of judiciary with a special focus on judicial appointments. This trend is visible across the different time periods Figure 1 and 2. The second most researched topic in the area is that of judicial accountability followed by backlog of cases.

Pertaining to the politicisation of judiciary and the sensitive case of judicial appointment the scholarship posits that there exists a tug of war between the executive and the judiciary. The conflict according to some was resolved by the two tier process outlined in the 18th amendment 175A however with the 19th amendment which was specifically dealing with judicial appointment this some how reversed to square one.

It was observed during this review that matter of mega political nature and impact are of high importance and therefore are main focus of the research. For instance, more research papers are produced on the judicial appointment than any other subject. This reflects that reforms that could make the life of a common citizen better in court are of little significance. The review recommends that research in those other sub areas that are of importance to the common man should be incentivised.

Backlog of cases is another issue that is of vital importance. The literature seems to be in agreement on inadequate number of judges, frequent and untimely transfers, lack of space and infrastructure and not enough digital resources as some of the reasons of the backlog.

4.2. Key Takeaways on Literature on Legal Reforms

On the legal side the paper only analysed the law enforcement organisation of the police. For reason given in the start of the section the areas of police legal reforms was considered to be more suitable for analysis.

The literature on police focuses on three main areas:

1. Colonial heritage, Colonial laws and current day police organizational, and operational structure.
2. Rampant corruption in the Police and the resistance to reform.
3. Perception of the public regarding the police.

The literature seems to be in agreement that the age old colonial laws that still govern the police of Pakistan make it an ineffective organisations. Those laws such as the 1861 act was made for colonial India and is not fit for a free country. Moreover, Police is a civilian organisation and therefore needs to be trained, kept and worked with as one. The 1861 act that the forms basics of police rules makes it more of a paramilitary organisation. Its military outlook needs to be changed into a civilian one through legal reforms.

Corruption is another problem with the underpaid and untrained police of Pakistan. Some scholars attribute it to the lack of resources available to the police while others find the lack of accountability from officers to the rank and file as the main reason for corruption in the police. Literature tends to show an agreement on the lack of the accountability mechanisms as the major driver of corruption.

Finally due to para military style force rooted in colonial origins and identified as being the most corrupt institution of the country, the perception of people towards the police is studied by few studies. They are in agreement that the rampant corruption and misuse of power by the police are major reason for them not being viewed positively.

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