

Evaluation of the Constitution of Pakistan: Historically Background and Issues of the Judiciary, Legislature and Executive

Dr. Muhammad Ramzan*

HOD/Assistant Professor, Department of Law, Lahore Leads University, Lahore

Dr. Sapna Mumtaz

Assistant Professor, Department of Politics and IR, Lahore Leads University, Lahore

Shakila Hashim

Lecturer, Department of Pakistan Studies, Lahore College for Women University, Lahore

Dr. Parveen Akhtar Kallu

Associate Professor, Department of Urdu, GC University, Faisalabad

Dr. Saima Iqbal

Assistant Professor, Department of Urdu, GC University, Faisalabad

Muhammad Saad

Lecturer, Department of Urdu, Lahore Leads University, Lahore

Amina Kousar

M.Phil. Urdu Scholar, Department of Urdu, GC University, Faisalabad

Dr. Irfan Tauheed

Assistant Professor, Department of Urdu, Lahore Leads University, Lahore

Abstract

Most people now agree that democracy is the finest, most workable, and fair form of government currently in use. Parliament is an essential part of every democratic government since it serves as the people's voice. The system requires free and fair elections, political liberty, and journalistic freedom. Uncorrupted elections are crucial to guaranteeing fair representation of the people. In a democratic government, the people's well-being is guaranteed through the legislative process. The democratic process was strongly supported by the government of Pakistan. The people of Pakistan and their elected representatives have been instrumental in the country's move toward democracy. Many military and civilian dictators have stymied Pakistan's progress toward a more democratic and parliamentary culture throughout the country's constitutional history. In reality, the public has generally accepted military control, and military authority has always stymied the development of civilian administration. In order to promote Pakistan's democracy, this report will shed light on a complete performance evaluation of the country's judicial system and parliament. Secondary data, such as books, journals, papers, and articles, were used in this research. This research is both analytical and descriptive in character.

Key Words: Judiciary, Legislative Actions, Supreme Court, Historical, Constitution, "Basic Structure", Martial Law

1. Introduction

After World War II, India had general elections under the guise of disobeying the British Raj. Political representation in India was split between the Muslim League¹ and the Congress party². Both parties were advocating for a homeland of their own before the election, with their respective leaders submitting reports to the British authorities (Nahru Report and Muhammad Ali Jinnah's 14 Points) outlining any necessary changes to the Indian Laws. Outcome of the election's proves that Pakistan's original concept was a success. For the Muslim seats in the Central Assembly, the Muslim League ran unopposed, while for the Muslim seats in the provincial assemblies, 446 of 495 seats were won by Muslim League candidates. Indian-origin candidates running under the banner of the Congress party were victorious in districts with a large Hindu population. This election validated the Muslim League's status as the only legitimate Muslim political party in India.

The British government assembled a special committee of three Cabinet Ministers to meet with Indian leaders and find a solution to the constitutional issues in India.³ This expedition recommended a course of action after consulting with Indian government officials. The former president of Congress⁴ agreed with you, but he has since stepped down as president, and the current leader of Congress has agreed merely to have us take part in constituent assembly meetings. The Muslim leader agreed with the mission's recommendations and said that the proposal will be approved by Congress and used as the foundation for India's future constitution.⁵ The Muslim League emphasized that the British government's failure to implement the cabinet mission plan was a breach of promise, so its representatives met with the commission's head and secured his agreement to form an interim government with equal representation from the Congress and the Muslim League. The Muslim League, although first skeptical, eventually agreed to the revised idea once it was presented to them. The Muslim League eventually reversed its approval of the interim government idea in India and instead decided to take active action in favor of a partitioned Pakistan. Later, they were a member of the transitional government. It was in December of 1946 that New Delhi played host to the first meeting of the constituent assembly.⁶

In this conference, the Muslim League declined to participate. Nonetheless, the Muslim League consented to take part in the constituent assembly procedures when Nahru and Muhammad Ali

Jinnah met in London. The constituent assembly violated the advice of the plan by passing the Objectives Resolution and enacting rules and procedures for the independent nation. If the question of provincial or regional constitutions is not settled, then a central constitution will not be considered. It would be best if the British government just admitted defeat and moved on. And thus, in 1948, the British prime minister announced that Britain would finally allow British India to establish its own government. There will be a power transition within the next two months, as was negotiated. With the blessing of the British government, Lord Mountbatten was able to transfer authority in India. He put out a plan for the handover of power in India after consulting with its top officials. The British government eventually enacted an independence act.

2. Constitutional History of Pakistan

Mr. Jinnah became the first president of the Legislative Assembly which was established by Mountbatten. The British administration chose to depart the nation after the Muslim League waged a political war. Subsequently, on August 14, 1947, India and Pakistan became two separate, sovereign nations through Indian Independence Act, 1947. Same was passed by British authorities. monarch of United Kingdom would designate the Governor General of each nation. In addition, it is proclaimed, the two new nations would shape their systems of government as closely as practicable to the Indian Legislation of 1935, that all Acts, Orders in Council, regulations, and other documents will remain in effect.

The Provisional Constitution Order for the Application of Preexisting Laws in Pakistan was enacted on August 14, 1947. Existing Pakistani legislation is thus declared to be an Act, Ordinance, Regulation, Rule and Order, and Bye-Law, as amended by Section 3 of this order of 1949⁷ was replaced by the Adaptation Order of 1947 by Governor General Order No.4. Laws of Pakistan are so derived from those enacted by the British Parliament.

The first legislative assembly of Pakistan was failed to make the constitution. Subsequently, same was dissolved October 24, 1954. Moulvi Tamizuddin, in his capacity as Speaker/President of the Constituent Assembly, filed a constitutional appeal with the Chief Court, Sindh High Court, challenging the decision of dissolving the Assembly. The same was sanctioned, and a directive Postmarked October 24, 1954 Unconstitutional and above his authority, the Governor General's order was nullified. The Federation of Pakistan appealed this ruling to Pakistan's Federal Court. The Federation of Pakistan overturned it on appeal. As a result of this ruling by the federal court,

the Constituent Assembly had to repeal about 46 part of legislation. In order to provide the groundwork for writing Pakistan's new constitution, the legislative assembly was abrogated by the Governor General order (IX of 1955). Sam was agitated before the Federal Court on the grounds that it violated the Constitution.⁸ The Federal Court of Pakistan overturned it and observed in accordance with the Section No. 213 of Indian Act of 1935⁹, matter was referred to the Federal Court for adjudication by the Federal Government.¹⁰ However, on April 15, 1955, the Governor General signed the Constitution Convention Order, 1955, which established the process for electing members of Legislative Assembly before election, the number of seats increased from sixty to eighty; forty seats were reserved for East Pakistan, and the remaining forty were divided among Punjab, NWFP, Sind, Baluchistan, the Frontier States, the Tribal Areas, Khairpur, Bahawalpur, and Karachi.¹¹ Federal Court noted in the Federal Government case reference that the new Assembly formed under the Constitution Convention Order would act as Legislative Assembly and make a draught of the Constitution on January 8, 1956; the Assembly ratified this document on February 29, 1956; and the document went into effect on March 23, 1956.¹² Amid the crisis, After President Sikander Mirza violated the constitution and impose Martial Law in the country on October 7, 1958, and appointed General Ayub Khan as the country's top military leader, Khan overthrew Mirza and become Martial Law administrator on October 27.

Several petitions were filed before the august court of the country in which challenging General Ayub Khan's implementation of martial law. However, Pakistani Supreme Court rejected all the petitions, citing the need to protect national security. The administrator of martial rule, General Ayub Khan, then appointed a panel to draught a new constitution. The panel notified the President and Chief Military Administrator on May 6, 1961, that the assignment had been completed. The new constitution was discussed at length at the Governors' Conference, where it was ultimately approved in March 1962. However, it wasn't put into effect until June 8th, 1962—the same day that Gen. Ayub Khan ended martial law.¹³

General Agha Muhammad Yahya Khan, the head of the armed forces, declared an end to constitutional government and instituted martial law on March 25, 1969. by means of Provisional Legislative Order, issued by Chief of Army Staff. The status of circumstances did not change on April 4, 1969.¹⁴ The Martial Law Authorities moved the cases from the Special Judge Central in Rawalpindi to the Special Military Court. The Lahore High Court upheld this decision of Martial

Law. Gen. Agha Muhammad Yahya Khan, Pakistan's Chief Martial Law Administrator, issued the Legal Framework Order, 1970, on March 28. This order outlined the foundational concepts that would form the basis of Pakistan's new constitution. In 1970, a general election was held while the military administration was in charge; nevertheless, a constitutional collapse led to the outbreak of war between India and Pakistan. Eventually, the region formerly known as East Pakistan broke away to become its own nation.

The Martial Law Administrator for Zone 'C' has ordered the detention of one political person, Ghulam Jilani according to Defense Rules. Decedent's daughter brought the issue up in court. However, the High court ruled against them.¹⁵ Appealing the dismissal ruling, Yahya Khan was proclaimed a usurper when the Apex court upheld appeal based on principals established in the State VS Dosso case. After that, on Dec. 20, 1971. PPP came to power thanks to the results of the 1970 elections. In 1972, this administration established and implemented an Interim Constitution. In the end, all political parties agreed on a single document, Constitution of the Islamic Republic of Pakistan, which was ratified on August 14 of that year.¹⁶

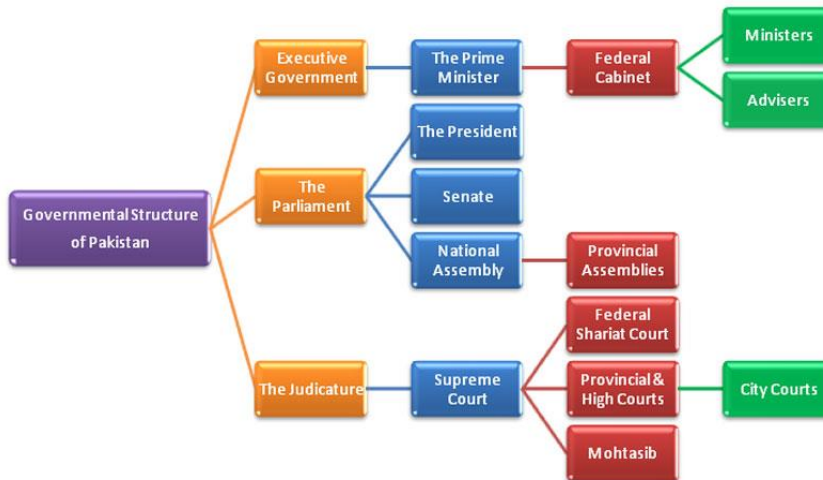
General Zia ul Haq, head of Pakistan's armed forces, again repealed the country's constitution on 5 July 1977, this time in order to institute martial law and occupied the country as the new regime. President Musharraf and Prime Minister-elect Zulfikar Ali Bhutto were among those detained as a result of the declaration of Martial Law. Constitutional Petition was filed to review the army chief's takeover before the apex court of Pakistan, but the petition was ultimately denied. Chief Martial Law administrator, Gen. Muhammad Zia ul Haq, said that general election will be held within 90 days. There is no way that this revelation can be true. Elections in Pakistan were held on a non-party basis after the country's constitution was reinstated by Presidential order No.XIV of 1985. The 25th of March, 1985 through election Mr. Muhammad Khan Junejo become as Prime Minister of Pakistan. Gen. Zia ul Haq again removed Mr. Muhammad Khan Junejo's administration on May 29th, 1988. After General Muhammad Zia ul Haq died in an aircraft crashed in August 1988, Mr. Ghulam Ishaq Khan, the Chairman of the Senate, was become the president of Pakistan. Elections was held in 1988, Benazir Bhutto took the majority of seats and became the first female Prime Minister of the nation. On December 2, 1988, Mohterma Benazir Bhutto. On August 6th, 1990, President Ghulam Ishaq Khan sacked her administration. Almost four elected administrations were sacked by the president or army commander between 1988 and 1999,

preventing them from serving out their full term. After Pakistan's army leader, General Pervez Musharraf, dissolved the parliament and suspended the country's constitution on October 12, 1999, he assumed executive power. Chief of Army Staff is another title he holds. Constitutional petition was filed before Supreme Court of Pakistan to review unlawful measure. However, Supreme Court of Pakistan rejected constitutional petition, upheld Gen. Pervez Musharraf's decision.¹⁷ General Pervez Musharraf held elections in 2002, and the Pakistan Muslim League (Quaid-e-Azam) came to power, forming a coalition government with many smaller political groups. Pervez Musharraf, who was formerly head of Army, was elected President of the country. As Supreme Court prepared to consider a challenge to the president's election, head of Army Gen. Musharraf imposed emergency in the country, constitution of the Pakistan was held in abeyance and an interim constitutional order was promulgated which requiring new oaths of office for all judges in the higher Courts. Only around one-third of the judges renewed their oaths. The Supreme Court issued an interim ruling on the same day that effectively nullified the impact of the emergency declaration made on November 3, 2007. The Supreme Judicial Council has begun procedures against Justice Iftikhar Muhammad Chaudhary. Iftikhar Muhammad Chaudhary agitated the matter before Supreme Court. Same was accepted by the court and he was subsequently reinstated to his position as Chief Justice of Pakistan. It was challenged at Pakistan's highest court, but the Supreme Court upheld the emergency imposing order. The plea for review was, however, successful. The verdict in the case of Tikka Iqbal Muhammad Khan was reversed in that same year of 2009.

Articles 10-A, 19-A, and 25-A were added to the Constitution while Article 17 was rewritten during the tenure of the Pakistan Peoples' Party government as the most significant constitutional changes.¹⁸ Article 175-A was added to the constitution to reflect the changes made to the process by which judges of the higher courts are chosen. Thereafter, the 19th and 20th Amendments were ratified.¹⁹

3. Organs of the State

Under Pakistan's constitution, the three branches of government (Judicial, Legislative, and Executive) have critical roles. To fulfil their constitutional mandates, these institutions act in accordance with its provisions. The legislature passed the legislation, the executive implements the law, and the judicial interprets the law.



20

4. Judiciary

Pakistan's government structure continued to operate temporary in accordance the Indian Act of 1935 after its independence. Judiciary procedures from the British period were maintained with a few tweaks here and there in the aforementioned statute.²¹ The legal system functioned almost identically to how it has in the past. Dacca now has its own Supreme Court.²² Along these lines, Pakistan got its own federal court system. According to Indian Act of 1935, both the Federal Court²³ and the High Courts have the same authority. Government of India Act of 1935 was amended for the first time in 1954 to provide writs jurisdiction to the High courts.²⁴

5. Supreme Court of Pakistan

The Federal Court was founded in 1948 and the Supreme Court in 1956. According to Pakistan's 1973 constitution, supreme court is the highest court and a cornerstone of judicial system. Since constitution was formed in 1956, Karachi has had a Supreme Court. The Pakistani president must allow this building's relocation. Karachi's to Lahore's, Subsequently Supreme Court moved to Islamabad. Lack of finance prevented the Supreme Court of Pakistan from establishing its own building.²⁵

In the end, in 1974, the Pakistani judicial system relocated its seat of government from Lahore to Rawalpindi, inside the East Pakistan House. Supreme Court of Pakistan was relocated to its current

location in Islamabad in 1989, and its new building opened in December 1993. Soon after, a new home in Islamabad was found for Pakistan's highest court.²⁶

Supreme Court is the apex court of Pakistan, with nationwide Original, Appellant, Advisory, and Direct jurisdiction. Pakistan's highest court also includes regional centers in Lahore, Karachi, Peshawar, and Quetta. The Supreme Court has the authority to review the judgements of the court below as well as its own rulings. All the decisions of the Supreme court are binding on the courts below.

6. Federal Shariat Court

In 1980, through constitutional amendment created a Federal Shariat court. Art. 175A states that the president appoints federal sharia court judges for three years.²⁷ The federal shariat court has power across Pakistan to evaluate whether a legislation is inconsistent to Islamic norms as found in the Holy Quran and Sunnah. Federal shariat court may issue decisions and changes. The Pakistani Supreme Court hears Federal Sharia Court appeals. All lower courts must obey the federal shariat court's rulings.²⁸

7. High Court

High court is the highest court in the province and has the power to issue writs to ensure compliance with fundamental rights and review appeals from lower courts' decisions. By Act of the Parliament, the High Court's Jurisdiction may be Extended to any portion of Pakistan that is not a Province. Each province or territory governed by the federal government has its own Supreme Court.²⁹ All lower courts are under the High Court's watchful eye and are subject to its authority. It has the authority to hire its own employees and establish its own rules of procedure,³⁰ which are followed by all subordinate courts. As stated in Article 175A of the Constitution, the President is responsible for appointing members of the High Court.

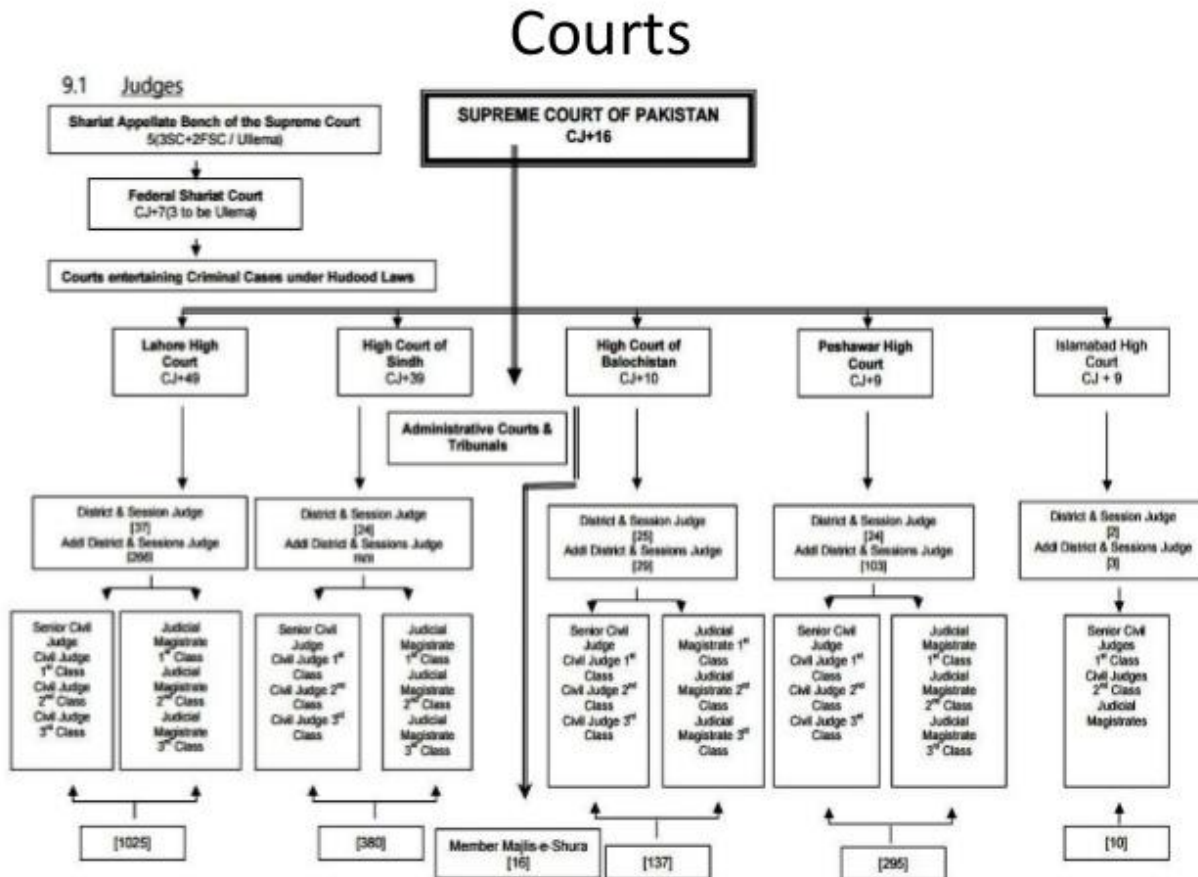
8. Subordinate Courts

One branch of the lower Judiciary is made up of civil courts that were set up per the Civil Courts Ordinance of 1962, while another is made up of criminal courts that were founded under the Code of Criminal Procedure of 1898. In addition, several civil and criminal tribunals and courts operate under their own distinct bodies of law. The laws define the courts' jurisdiction, powers, and

functions. It is High Court's responsibility to oversee operation of Subordinate Courts. Provincial Government provides funding for all such courts.

9. Special Courts and Administrative Tribunal

The federal government has created specialized courts and tribunals. Some of these courts are handled by other ministries or organizations. Special Courts for Narcotic Substances, Banking Courts, Special Courts for Bank Offenses, Special Courts for Customs, Taxation, and Anti-Smuggling, Environmental Tribunal, Insurance Appellate Tribunal, Customs, Excise, and Sales Tribunal, Special Judges (Central), Drug Courts, Anti-Terrorism Courts, Accountability Courts. Provinces have specialized courts and tribunals like federal courts. Anti-terrorism, consumer protection, and corruption-focused provincial courts and tribunals exist.³¹



10. The Executive

Within Pakistan's system of checks and balances, the country's president not only serves as the country's top executive but also makes key political appointments like the army commander.

When it comes to managing Pakistan, the country's executive branch bears the burden of responsibility and holds the reins of authority. The Prime Minister and his/her Cabinet make up the executive branch. To speak on behalf of Pakistan's executive branch, the Prime Minister is elected by parliament and is responsible for selecting his cabinet. The Prime Minister is also responsible for naming the executives who run the government's agencies and enterprises. There is a maximum of fifty members, including the Prime Minister, in the Cabinet of Pakistan. Each member of the Cabinet must be a sitting lawmaker in one of the two houses of parliament (the National Assembly and the Senate). It is a constitutional requirement that Pakistan's Prime Minister be an elected representative.

In contrast, a dictatorship or absolute monarchy sees all executive authority concentrated in the hands of one person or minority. To safeguard against authoritarian rule, the division of powers system is meant to devolve some power from the executive branch.³³

11. The Legislative

Pakistan's legislature is another British legacy to the country. The National Assembly and the Senate are the two chambers that make up the parliament. Out of a total of 342, only 272 are elected at-large, with another 70 reserved for women and members of underrepresented groups. The provincial Assembly chooses the 104 senators who serve in the Senate. The government of a nation is formed by the political party that wins a majority of seats in the National Assembly. The majority of cabinet ministers have a parliamentary position. Still, senators must make up one-third of the cabinet.

The legislative branch has the authority to create and alter laws. According to Montesquieu's idea of separation of powers, the government is made up of two branches: the executive and the legislative.³⁴

12. Conclusion

Separation of powers, or Trias Politica, is the belief that the government should have "three independent branches" to check each other. French philosopher Charles De Montesquieu proposed

this (1689 – 1755). Every state has three organs—legislative, executive, and judiciary—with particular Constitutional duties. They manage the nation's tasks. These three organs share capabilities. To prevent tyranny and abuse, Separation of Powers develops a check and balance mechanism. This philosophy is based on the idea that a single institution with complete authority may behave arbitrarily without accountability, which might harm the state. This principle underpins democracy.

Six powers are currently being reported. Media, bureaucracy, and external advisors. Consider First, administrators can administer laws passed by Congress, make their own regulations, and resolve conflicts through administrative adjudication. Bureaucracy is part of the executive branch, although its authority extends to the other two branches. Bureaucracy creates new laws and acts as the legislative since breaching them has penalties.

Former officials like Ghulam Muhammad and Iskander Mirza have been active in political and constitutional structures in Pakistan throughout history. After sixty years, Pakistan's bureaucracy remains the governing elite, unresponsive and unaccountable. They think their job is to dominate, not serve.

Media connects government and people. The media's major objective is to report government issues transparently and inform the public so they may hold the government responsible. Media shapes political narratives. Media coverage should also mention politician misdeeds. Like the judges, they should interview politicians without bias or prejudice to deliver the truth. Since it shapes narratives and public opinion, media must be impartial. In the 2018 Pakistani election, many individuals were persuaded by media to vote for Imran Khan. Recently, journalist Iqrar-ul-Hassan was attacked for speaking objectively about numerous situations.

In conclusion, the first three powers check each other, but who will check the remaining three? Some argue the seventh power belongs with people, but I think people are too busy paying their obligations and meeting their fundamental requirements. Montesquieu's famous phrase "It is imperative from the very nature of things that power should be a check to power" provides the explanation.

Bibliography

Dr Faqir Hussain, Director General, Federal Judicial Academy, Islamabad, The Judicial System

of Pakistan Constitution of Pakistan, 1973

Supreme Court of Pakistan, www.supremecourt.gov.pk

Governmental Structure of Pakistan by National Democratic Foundation.
<http://www.democraticfoundation.com.pk/govt-structure-of-pakistan> the High Court (Bengal)
Order 1947 the Federal Government of Pakistan Order 1948 Section 223-A The Judicial System of
Pakistan

Iftikhar Muhammad Chaudhri Vs. President of Pakistan etc (PLD 2010 S.C.61).

Tikka Muhammad Iqbal Khan vs Federation of Pakistan and Justice Wajihud Din Ahmad vs
Federation of Pakistan, (PLD 2008 S.C.178).

PLD 2008 S.C.615.

PLD 2009 S.C.789 and 879.

PLD 2010 Federal Statute Page 1.

PLD 2011 Federal Statute 19 and PLD 2012 Federal Statute (Supplement-I) 355.

Asma Jilani vs Government of Pakistan, (PLD 1972 S.C.139).

Begum Nusrat Bhutto Vs. Chief of Army Staff and Federation of Pakistan (PLD 1977 S C 657)
decided on 10.11.1977.

Zafar Ali Shah Vs. Federation of Pakistan (PLD 2002 S.C.869).

This reference was answer by the Federal Court through judgement on 16-5-1955.

The Governor General Order (No.X of 1955) promulgated on 27th April, 1955.

PLD 1955 F.C.435.

Butt, Daud "On the Same Page -The History of Martial Law in Pakistan"(2020-10-24).

PLD 1958 S.C.577, Law of nessesy was introduced by Munir Ahmad khan (Chief Justice of
Pakistan) in case title, State Vs. Dosso reported as PLD 1958 S.C.533.

Dr. Hasan-Askari Rizvi. "Op-ed: Significance of October 27". Daily Times. Retrieved 2018-04-
15.

Mazhar Aziz (2007). Military control in Pakistan: the parallel state. Psychology Press. pp. 66–69. ISBN 978-0-415-43743-1.

Mir Hassan and another vs. The State (PLD 1969 Lahore 786).

PLD 1949 Central Statute page 1

Moulvi Tamizuddin Khan Vs. Federation of Pakistan, PLD 1955 Sindh 96.

Federation of Pakistan Vs. Moulvi Tamizuddin Khan (PLD 1955 F.C.240).

Usif Patel Vs. The Crown (PLD 1955 F.C. Page 387).

Feb.1946, the Cabinet Mission Plan,1946.

Azad,Mulana Abul Kalam, India Wins Freedom, 1959, Orient Longmans, Calcutta, P. 151.

Statement at press conference in Bombay. Text in Banerjee, Making of the Indian Constitution, Vol.1, p. 241

Constitutional History of Pakistan by Mansoor book House, Lahore (2011)

Hamid Khan, Constitutional and Political History of Pakistan published by Oxford university press, Karachi, Pakistan

Constitutional History of Pakistan by Mr. Justice Retired Jamshed Ali shah

Government of India Act, 1935

Cripps Mission, 1942

The Cabinet Mission Plan,1946

The Mountbatten Plan, June 1947

The Independence Act, 1947

The Munir Report, 1954

¹ A political party which was representing all Muslim of India and demanding independent new country Pakistan. The Party leader of the Muslim League was Muhammad Ali Jinnah.

² A political Party of Hindu ideology

³ 9 Feb.1946, the Cabinet Mission Plan,1946.

⁴ Azad,Mulana Abul Kalam, India Wins Freedom, 1959, Orient Longmans, Calcutta, P. 151. That time Mulana Abui Kalam Azad was the Head of Congress (Political Party).

⁵ Ibid., pp 155-6

⁶ Statement at press conference in Bombay. Text in Banerjee, Making of the Indian Constitution, Vol.I, p. 241

⁷ PLD 1949 Central Statute page I

⁸ Federation of Pakistan Vs. Moulvi Tamizuddin Khan (PLD 1955 F.C.240).

⁹ Usif Patel Vs. The Crown (PLD 1955 F.C. Page 387).

¹⁰ This reference was answer by the Federal Court through judgement on 16-5-1955.

¹¹ The Governor General Order (No.X of 1955) promulgated on 27th April, 1955.

¹² PLD 1955 F.C.435.

-
- ¹³ Butt, Daud "On the Same Page -The History of Martial Law in Pakistan"(2020-10-24).
- ¹⁴ PLD 1958 S.C.577, Law of necessity was introduced by Munir Ahmad Khan (Chief Justice of Pakistan) in case title, State Vs. Dosso reported as PLD 1958 S.C.533. Dr. Hasan-Askari Rizvi. "Op-ed: Significance of October 27". Daily Times. Retrieved 2018-04-15.
- Mazhar Aziz (2007). Military control in Pakistan: the parallel state. Psychology Press. pp. 66–69. ISBN 978-0-415-43743-1.
- ¹⁵ Mir Hassan and others VS the State(PLD 1969 Lahore 7860).
- ¹⁶ Asma Jillani vs Government of Pakistan, (PLD 1972 S.C.139).
- ¹⁷ Begum Nusrat Bhutto Vs. Chief of Army Staff and Federation of Pakistan (PLD 1977 S C 657) decided on 10.11.1977.
- ¹⁸ PLD 2010 Federal Statute Page I.
- ¹⁹ PLD 2011 Federal Statute 19 and PLD 2012 Federal Statute (Supplement-I) 355.
- ²⁰ <https://www.democraticfoundation.com.pk/govt-structure-of-pakistan> Last seen 27-jan-2023
- ²¹ The Lahore High Court continued to function and so did the Sindh Chief Court and the courts of Judicial Commissioner in NWFP and Baluchistan.
- ²² the High Court (Bengal) Order 1947
- ²³ the Federal Government of Pakistan Order 1948
- ²⁴ Section 223-A The Judicial System of Pakistan
- ²⁵ www.supremecourt.gov.pk
- ²⁶ According to the Art. 184, 185 and 186 of the constitution of Pakistan, 1973.
- ²⁷ Art. 188 of the constitution of Pakistan, 1973.
- ²⁸ Art. 189 of the constitution of Pakistan, 1973.
- ²⁹ Substituted by the constitution(Amendment) order, 1980, (P.O No.1 1980) for chapter 3-A inserted by the constitution (Amendment) Order, 1979 (P.O No.3 of 1979).
- ³⁰ Art. 203-C of the constitution of Pakistan and Substituted by the constitution (Second Amendment) order, 1981, (P.O No.7 1981) which read: "The court shall consist of five members including the Chairman to be appointed by the president of Pakistan".
- ³¹ The Federal Legislative List, Item No. 14.
- ³² <https://themeloader.com/> (Last seen on 17-Jan-2023 8:00pm)
- ³³ [http://en.wikipedia.org/wiki/Executive_\(government\)](http://en.wikipedia.org/wiki/Executive_(government)). Last seen 11-jan-2023
- ³⁴ Manent, P. "The 30th Anniversary Freedom House Survey: Modern Democracy As a System of Separations". Journal of Democracy, vol. 14, no. 1, Jan. 2003, pp. 114-25.