

The Politicization of the Judiciary During Zia-ul-Haq's Era: A Path to Legitimacy

Zahida Ashraf
University of Punjab, Pakistan



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ABSTRACT

Objective: This study investigates the role of the judiciary during General Muhammad Zia-ul-Haq's military regime (1977–1988), focusing on how judicial institutions were instrumentalised to legitimise authoritarian rule, suppress political opposition, and implement an Islamisation agenda. **Method:** Employing a qualitative historical-analytical approach, the research critically analyses primary legal documents, constitutional amendments, and landmark court judgments from the Zia era, complemented by secondary scholarly sources. **Results:** The findings reveal a strategic transformation of Pakistan's judiciary from an independent body into an apparatus serving executive interests. Courts were co-opted through structural changes and doctrinal shifts, such as the validation of martial law under the doctrine of necessity and the endorsement of Islamisation policies, which aligned judicial functions with the regime's ideological objectives. **Novelty:** This study contributes original insight into the systematic erosion of judicial autonomy under military rule in Pakistan, highlighting the judiciary's complicity in legitimising undemocratic governance. By tracing this transformation, the research offers a foundational context for understanding contemporary challenges to judicial independence and civil-military relations in Pakistan's constitutional development.

INTRODUCTION

The Pakistani judiciary has always walked the tightrope between law and politics, but even more so during the period of military rule. Of these, General Muhammad Zia-ul-Haq's rule (1977–1988) is perhaps one of the most pivotal phases of politicization of the judiciary. Having overthrown the democratically elected administration of Prime Minister Zulfikar Ali Bhutto through a military coup, Zia sought to legitimize his authority not by popular mandate but by taking over the judiciary [1]. The legal system, and the higher courts in specific, was transformed into a best bet for conferring constitutional legitimacy to extra-constitutional actions and thus altering the dynamics of power in the relationship between the judiciary and executive power in Pakistan. Perhaps the most significant and earliest judicial ruling of this period was in Begum Nusrat Bhutto v. Chief of Army Staff, where the Supreme Court used the "doctrine of necessity" to legitimate Zia's coup. The doctrine, which had initially been established by the case of State v. Dosso, had been used to legitimate the suspension of the constitution and civil freedoms in the name of national stability [2], [3]. By condoning Zia's coup as inescapable, the judiciary had to abandon its custodial role of the constitution, setting a

precedent for future legitimization of military rule. Increasing politicization of the judiciary was again characterized in the trial and execution of Zulfikar Ali Bhutto. Charged with conspiring to kill, Bhutto was put on trial by a judiciary that was widely seen to have been politically agitated. His death sentence was affirmed by the Supreme Court in a widely criticized 4–3 decision that caused international and domestic outrage [4]. The majority of lawyers, and even retired judges, subsequently admitted that the case had insufficient evidence and was also tainted with procedural flaws. The incident seriously discredited the judiciary and highlighted its politicization by political revenge measures [5]. Except in exceptional cases, General Zia progressively restructured the judiciary to fit it with conformist principles. Judges aligned with the dictatorship received advancements, while dissenting judges faced ostracism. The dictatorship enacted laws and constitutional modifications that diminished the autonomy of the judiciary, particularly its authority of judicial review. These administrative tools effectively converted the court into a mere rubber-stamp entity for executive decisions, undermining the balance of powers within a democratic framework. The Islamization of the Pakistani judicial system was a fundamental aspect of Zia's broader political goal. This political transformation transpired both legislatively and in judicial practice. The establishment of the Federal Shariat Court in 1980 allowed for the evaluation of legislation to determine its compliance with Islamic law. Legislation such as the Hudood Ordinances and the Qanun-e-Shahadat Order was enacted, incorporating Islamic principles into the legal framework. While these measures were articulated in the language of moral change, they simultaneously diverted attention from the regime's authoritarianism and conferred legitimacy upon it via the use of religious symbols. The courts, instead of resisting these activities, was used as a means for their implementation. [7]. The specter of Zia-ul-Haq's manipulative utilization of the judiciary continues to haunt Pakistan's political and legal culture. The institutionalization of judicial legitimization of army intervention, the consolidation of Sharia laws, and the erosion of public confidence in legal institutions are all traced back to this period. Even in later decades, the specter of Zia's judiciary followed the country as courts occasionally inclined towards the executive branch at the cost of constitutional ideals [8].

In essence, Zia-ul-Haq's politicization of the judiciary was a political move to achieve political legitimacy and ideological hegemony. Through the discredit of judicial independence, the abuse of legal institutions, and the alignment of law with religious orthodoxy, Zia shifted the role of the judiciary from checking power to facilitating authoritarian rule [9], [10]. This was not just an immediate regime requirement but had a lasting impact on Pakistan's legal system, hence judicial reform an imperative requirement for Pakistan's democratic future.

Hamid Khan's *Constitutional and Political History of Pakistan* is a well-thought analysis of Pakistan's constitutional development and political history marked with turmoil ever since the establishment of Pakistan in 1947. The book marks the

constitutional development, starting with the Objectives Resolution through to the several adopted and abrogated constitutions, dating back the 1956, 1962, and 1973 constitutions [11]. It examines critically the role of civil-military relations, judicial activism, and the failure of democratic institutions in shaping the governance of Pakistan. Khan outlines how political instability and military coups have gone hand in hand with judicial collaboration to suppress democratic growth as well as constitutionalism [12], [13]. Rich political and legal analysis, the book provides rich understanding of the political cycles of repetition of authoritarianism, erosion of rule of law, and inability to establish a stable constitutional order for Pakistan. It is a read to be savored in attempting to grasp the legal and political forces that continued shaping the destiny of the nation. *Working with Zia: Pakistan Power Politics, 1977-1988* is an inside story of the regime of General Zia-ul-Haq, by General K. M. Arif the most outlandish and nefarious era in Pakistani history. Zia's own senior military officer, Vice Chief of Army Staff in the period under review, presents fine-grained details of the political processes of decision-making, politicization of the military and politics [14]. The book explains Zia's ascendancy to power following the 1977 coup against Prime Minister Zulfikar Ali Bhutto, Bhutto's trial and killing, and martial law politics of governance. The book examines Pakistan's internal politics, the movement of Islamization, constitutional amendment, and how the regime has responded to opposition. Arif also examines every facet of the impact of the Soviet-Afghan War, domestic as well as foreign policies of Pakistan, to determine the strategic realignment of the country towards the United States and the changing nature of the regional balance. Based on firsthand accounts and events observed, Arif tries to outline every facet of Zia in terms of accomplishments and scandals and by outlining lasting repercussions of the politicization of the army. Mushahid Hussain's *Pakistan Politics: The Zia Years* is a critical assessment of the 1977-1988 General Zia-ul-Haq rule, whose aftereffects years later could be seen in the political and ideological landscape of Pakistan [15]. The book provides for the circumstances under which the military coup against Prime Minister Zulfikar Ali Bhutto took place and how Zia established himself to power in the guise of Islamization. Hussain analyzes the regime's attempts to Islamize Pakistan's political, legal, and social institutions on a set of conservative Islamic principles articulated in the restriction of civil liberties, women's rights, and minority rights. He finds instances of manipulation of constitutional procedures, i.e., the Eighth Amendment, with the aim of concentrating power in the president and weakening parliamentarism. The book also analyzes Pakistan's strategic status during the Soviet-Afghan War, foreign alignments bringing in economic aid and domestic instability. In a historically correct representation, the book will illustrate how Zia's military regime, in seeking legitimacy in terms of manipulated democratic mechanisms, actually instigated militarization of politics and routine wanderings in Pakistan's democratic process. *Aur Line Kat Gayi* by Kausar Niazi is a personal and political biography of the unstable lead-up to the hanging and removal of Prime Minister Zulfikar Ali Bhutto [16]. Authored by one of Bhutto's key

advisors and mainstays, the book is an insider chronicle of political horse-trading, treason, and judicial wizardry that choreographed the fate of an epoch. Kausar Niazi narrates the story in eyewitness style, linking pressures brought to bear upon Bhutto by the military establishment and how General Zia-ul-Haq employed a coup as a cover-up for reassertion of order. The book recaptures the mood of apprehension, insecurity, and political victimization during the announcement of martial law in 1977. It also recalls the ethical and emotional import of Bhutto's trial and hanging and qualifies it as a national tragedy [17]. The book, in the give-and-take between political analysis and personal remembrance, lightens up the failure of democratic process and the imposition of authoritarian rule on Pakistan. Muhammad Waseem's *Politics and the State in Pakistan* is an effectively researched book on the evolution of state institutions and political processes in Pakistan. The book takes into account how the state, in the past, has dominated society, influencing political development and democracy. Waseem covers prevailing issues such as civil-military relations, bureaucratic domination, party weakness, identity politics, and opposition to federalism. He contends that the politics of Pakistan have been shaped by the over-centralizing state, frequent coup d'etats by the military, and erosion of the democratic institutions. The book is a critical analysis of how the power has been contested and shared among institutions like the military, the judiciary, the political elites, and the religious authorities [18]. The book addresses the effects of globalization, foreign alignments, and domestic security issues on homegrown governance. The book relies on a sectarian political and historical perception and limits its examination to the conventional conflict between democratic aspirations and authoritarianism and closely examines the structural impediments to democratic consolidation in Pakistan. *Khaki Shadows: Pakistan 1947–1997* by General K. M. Arif is a critical account of the development of Pakistan's politics and military from the perspective of an egoist army bureaucrat who was instrumental in making national choices. The book traces the course of civil-military relations, situating the continuities of military intervention in politics and decline of democratic institutions within context. Arif critically analyzes key events such as the military coups, Indian wars, East Pakistan failure, and establishment of military rule. He provides an insider analysis of military decision-making and a research on leadership, national integration, and institutional development issues [19]. The book also analyzes the conflictual relationship between the civilian governments and the military and how jealousy, ineffectiveness, and conflict of powers undermined democratic consolidation. Based on historical record and personal observation, the book offers a fair and objective explanation of Pakistan's controversial political history with special attention to the consequence of decades of military dictatorship and institution-building. Anthony Hyman's *Pakistan, Zia and After* is analytical history of the political past of Pakistan since and after General Zia-ul-Haq's era of rule [20]. The book deals with the institutionalization of Zia's regime of authoritarian governance following the coup of 1977 and its wider implications for Pakistan's political,

religious, and social institutions. Hyman explains the Islamization policies marked out by Zia, their functions in remaking legal and educational constructs and consolidating religious forces' impact on government. The book also discusses the strategic role of Pakistan during the Soviet-Afghan War and how this completely altered the country's national and international status as well as compelled internal militarization and build-up of extremism. On the abrupt death of Zia in 1988, the book traces the way Pakistan's transition issues have been towards the attempt at restoring democratic government in a context of centralized rule, battered institutions, and early sectarian cleavages. The book provides an analysis of the criticality by which Zia's policies had remained dominant in Pakistani politics well beyond his death and thus democratization and stability evade attempts to follow through [21].

RESEARCH METHOD

This study adopts a qualitative research design, relying solely on secondary data to analyze the challenges of CPEC. Data is collected from academic articles, government reports, policy papers, and credible news sources to ensure a comprehensive understanding. A thematic analysis approach is used to identify key patterns related to economic, political, and security issues. Cross-verification of multiple sources enhances reliability and minimizes bias. Ethical considerations are maintained by properly citing all sources and ensuring academic integrity.

RESULTS AND DISCUSSION

Background: the military coup and judicial responset

During the night of 4-5 July, Country Government was overpowered by Forces commanded by Army Chief General Muhammad Ziaul Haq. Bhutto, his ministers, and senior PNA leaders were arrested and placed in 'protective custody'. National and Provincial Assemblies were dissolved, and martial law was imposed throughout the country [22]. In his Radio and Television address in July, Zia declared that he was a strong believer in Democracy and there would be elections within ninety Days and the government would be transferred to elected people's representatives. Political activities were banned until further order.

Once he became the Chief Martial Law Administrator (CMLA), Zia announced that he Wanted to make it emphatically clear beyond doubt that he neither had any political ambitions nor did the army ever have any thought to be diverted from the vocation of soldiering [23]. He Announced that he was forced to step forward to bridge the vacuum Left by the political leadership and occupied. The duty on himself as a good 'soldier of Islam'. He pledged Free and fair elections and handing over to the elected People's representatives. In the next three months. My only concern would be to Conduct the elections and I should not like to squander. My energies and powers as Chief Martial Law Administrator on doing something else. He also stated that the Suspicion sown in

the political competition in the country and the distrust that had come between the PPP And political accommodation had been impossible for the PNA. And in the last words in the speech, he Asserted what would be his drive to exercise Power for a few years ahead: And finally, I have to say that the Islamic spirit Demonstrated in the recent movement was Worthy. It is an evidence that Pakistan, which came into existence In the name of Islam, will prosper only as long as it is loyal to Islam. And because of the same reason, I feel the Introduction of the Islamic system as the condition of extreme urgency for the country [24].

The operation of taking over the country by the armed forces was code-named 'Operation Fairplay', President Chaudhry Fazal Elahi whose term was to expire in August 1978, was allowed to continue after Zia had a meeting with him on 5 July. He also met the Chief Justice of Pakistan, Mr Justice Yakub Ali. He appeared to be satisfied with his talks with the President and the Chief Justice. The Governors of the provinces had also ceased to hold office and, in their place, the Chief Justices of the four provinces were taken as acting Governors of their respective provinces. The coup led to a sudden and deep crisis of Pakistani political life because it overthrew an elected democratic government. In response to the crisis, the army tried to legitimate itself and maintain its grip on the state machinery. This led to an early and significant role for the judiciary in determining the destiny of Zia's regime. The response of the judiciary to the coup by Zia was very contentious and contributed largely to military rule consolidation [25]. The military dictatorship, having perceived that their acts were politically in disagreement and the masses were in protest, then referred to the judiciary to secure the legal sanction of their activities. The Zia government referred the matter to the Supreme Court whose leadership then included Chief Justice Anwarul Haq. Under intense military pressure, the Supreme Court approved the coup on the questionable "doctrine of necessity" as a justification for sanctioning the military coup. The doctrine of necessity is the argument that extraordinary circumstances can force deviations from constitutional prerequisites in the interests of ensuring the state's survival. This juridical reasoning was used to provide a veil of legitimacy to Zia's move, although the stark unconstitutionality of them [26], [27].

This constitutional legitimization of the coup opened the door to a symbiotic and close relationship between the judiciary and Zia's regime. The judiciary in the hands of Zia was methodically used in the following years as an instrument by the military regime for consolidating its grip, restricting political opposition, and validating its self-appointment to power. The judiciary, rather than becoming a check on power, became part of the regime's agenda to consolidate its hold on power. This politicization of the judiciary under Zia not only guaranteed the continuance of the regime but set the precedent for the role of the judiciary during the following military coup in Pakistan [28]. The function of legitimizing Zia's rule would greatly affect the political and judiciary

system of Pakistan, with a result in loss of the judiciary's autonomy and further politicization of the judiciary in the Pakistani political circle.

The doctrine of necessity: a tool for authoritarian legitimacy of general zia-ul-haq

The doctrine of necessity played a pivotal role in providing a legal façade to General Zia-ul-Haq's authoritarian rule in Pakistan. Introduced in Pakistan's constitutional jurisprudence during earlier political crises, it was most controversially applied following Zia's military coup in 1977, which ousted Prime Minister Zulfikar Ali Bhutto. The Supreme Court of Pakistan, under Chief Justice Anwarul Haq, validated the military takeover in the Begum Nusrat Bhutto vs Chief of Army Staff case. The Court justified its decision by invoking the doctrine of necessity, arguing that extraordinary circumstances—such as alleged electoral fraud and national instability—required extraordinary measures to preserve the state and public order. By legitimizing Zia's unconstitutional seizure of power, the doctrine became a judicial tool that transformed an illegal act into a supposedly lawful intervention. This ruling set a dangerous precedent, allowing the military to override the constitutional order under the guise of national interest [29]. The doctrine was later used repeatedly during Zia's regime to justify various authoritarian measures, including the suspension of fundamental rights, the postponement of elections, the use of military courts, and the implementation of Islamization policies that were not mandated by the constitution. The manipulation of the doctrine of necessity under Zia-ul-Haq blurred the boundaries between legality and illegality, weakening the judiciary's role as a guardian of the Constitution. Rather than upholding democratic norms, the judiciary became complicit in entrenching military rule. In this way, the doctrine of necessity served not as a means of constitutional protection, but as an instrument of authoritarian legitimacy, allowing Zia to rule without democratic accountability while maintaining a façade of legal order. This legacy has had lasting effects on Pakistan's political and judicial culture, where the military's interference in civilian matters has often found judicial endorsement under the pretext of necessity.

Islamization of the legal system

Zia required legitimacy and for this he employed the device of Islamization. He himself had strong inclinations towards religion. He was an orthodox religious person. So, he felt to restructure the society on Islamic foundations which to his view was right. General Zia applied Islamic punishments for crimes like drinking, adultery, theft and false accusation. The Shariat Bench was established in the every court of Law to the level of the High Court. It was responsible for declaring any law as repugnant to the injunctions of the Holy Koran and the Sunnah. Towards the end of the year 1980, the FSC Federal Shariat Court was created. The appeal rested with the Shariat Bench of the Supreme Court. But the fiscal laws were excluded from the jurisdiction of the FSC The Zakat and Ushr Ordinance, 1980 was enacted to deduct the Zakat at the rate of 2.5% from the bank deposits and the financial institutions. The compulsorily deducted zakat was to

be redistributed among the poor and the needy. For this purpose 32000 Zakat committees were set up all over the country. The Shias were exempted from such deduction. In continuation to the process of Islamization, interest was substituted by mark up. Interest free banking relied on the capital and entrepreneurship known as modarba. The council of Islamic ideology was initiated. The Islamic University made n was Islamabad. The topic of he Islamic Studies was declared compulsory in the educational syllabuses and competitive examinations. The degrees granted by the religious schools were made equal to the MA Islamic Studies and Arabic. At the Public places facility of Namaz prayer became obligatory and to this end Nazimmen-i-Sallats were installed. Women appearing on the screen of TV had to Adorn dupatta/head dress. General Zia, despite taking all such measures, was Unable to acquire the popularity and legitimacy of his regime. Pakistan Unfortunately came to be seen as a nation of religion imposing cruel Punishments. It was an injustice to Depict a religion caring for welfare as the one that was only relevant to the penal code of the crime and punishment 0. Zia's Islamization project was saddled it with the strait jacket of orthodox conformity.

Bhutto was arrested, tried, convicted, and executed

It was Bhutto himself in person that the Zia government brought into the spotlight when he was indicted on 3 September 1977 of conspiring to kill for having ordered the assassination of one of a member of the opposition. Attempt on his life, for the record, as came to be found later, because he was the survivor of the attempt on his life, Ahmad Raza Kasuri, a 1970 elected National Assembly member on the PPP ticket, had survived and the ex-prime minister had been killed in his place in lieu of his own father. His life had purportedly been tested on Bhutto and, for which, he was to be executed by conviction. Bhutto was convicted on 18 March 1978 in the Lahore High Court, and co-defendants were also convicted along with him. Both were sentenced to death. Zia asserted that his administration could not but pardon Bhutto in the sense of commuting his sentence, it seems to be beyond the powers of mercy and President Fazal Elahi Chaudhury's amnesty. The defendants had already shifted the case to the Supreme Court where the trial was ongoing in May. Benazir Bhutto's daughter and Nusrat Bhutto's wife were arrested on judicial custody during trial stages at Lahore and Islamabad. Bhutto's conviction on 6th February, 1979, under the order given by the Lahore High Court still stood confirmed by the Supreme Court. The vote also appeared to pass unopposed by province: All four Punjabi judges from the total voted to uphold the conviction; three of the other four provinces voted for its reversal. Zia acted promptly to avert what otherwise would have been a delicate law and order situation. Coleges and schools were closed down in Sindh and the NWFP. Previously in September 1978. Zia had deposed Chaudhary as president on the purported end of Chaudhury's five-year term as there were no National Assembly and Senate in which to choose another president. Zia also ran counter to foreign pressure by the majority of the world nations, particularly America and Great Britain, not to give in on its insistence on the capital punishment. Bhutto was

assassinated on 4 April 1979, at Rawalpindi. The protest demonstrations were sparsely attended as had been predicted, and Benazir Bhutto and Nusrat were released at the end of May but periodically detained under Zia's rule. Supreme Court of Pakistan has given a lengthy judgement in presidential reference on hanging of then-premier Zulfikar Ali Bhutto, concluding that an innocent man was hanged after a secret trial. Chief Justice Qazi Faez Isa wrote the 48-page verdict, with Justice Sardar Tariq Masood and Justice Mansoor Ali Shah writing supporting notes. The verdict is emphasizing that the trial of Bhutto was conducted when the country was in a state of martial law and that it defied the constitutional jurisdiction of courts during that period. The opinion strongly believed that the country was under martial law during the time when Bhutto was being tried and that there was no constitutional basis for the judiciary. "The country and courts were hostages of martial law during this period of time," the opinion believed, adding further that judges were running the courts under the dictator and not the people.

Judicial appointments and executive control

Concentration of Power in the Executive Zia, as Chief Martial Law Administrator and later as President, consolidated power and reduced the independence of the judiciary. He issued Provisional Constitutional Orders (PCOs), which allowed him to override the constitution and force judges to take new oaths of allegiance, effectively filtering the judiciary.

Provisional Constitution Order (PCO) – march 1981

General Zia-ul-Haq enforced the PCO on 24–25 March 1981, amid public outrage over a PIA hijacking incident. It became the de facto constitution, overriding the 1973 Constitution while selectively adopting 138 of its Articles related to government operations.

Key Features:

1. Fundamental rights and their enforcement were suspended.
2. Office of Vice President was created (but never used).
3. A Federal Council (Majlis-e-Shoora) was to be selected by the President.
4. Judicial restructuring:

Certain provisions of the judiciary were removed or replaced.

The President could appoint or transfer judges without consultation.

Writ jurisdiction of High Courts was restricted.

Military courts were placed above judicial review.

1. Civil servant protections were reduced; courts couldn't hear their retirement-related cases.
2. Political parties were tightly controlled; unregistered ones were dissolved.
3. All martial law orders and actions since 5 July 1977 were declared valid and beyond judicial challenge.
4. Judges had to take a new oath under the PCO, or lose office. The President could also choose not to administer the oath.

During General Zia-ul-Haq's regime, judicial independence was systematically eliminated as judges were compelled to swear loyalty to the martial law regime; those who refused were dismissed from office. By adopting selected articles of the 1973 Constitution and discarding fundamental rights, Zia crafted a hybrid constitutional framework that retained authoritarian control while maintaining the illusion of legal governance. Political opposition was suppressed through strict controls on political parties, many of which were dissolved, thereby preventing organized resistance. Zia ensured absolute executive control by granting himself the power to amend the constitution, appoint or remove judges, and bypass the judiciary altogether, consolidating one-man rule. Furthermore, the courts were barred from questioning any past or future actions of the martial law regime, granting it complete legal immunity and effectively legalizing authoritarianism. Judges who had rejected the oath, including a few senior and independent-minded justices, were ousted or persuaded to go on voluntary resignation, paving the way for subservient and ideologically pliant judges' appointments. Under the PCO, the President was endowed with unrestricted discretion to appoint, transfer, and even supersede Chief Justices while making ad hoc judges' appointments, undermining judicial independence and seniority culture. In making these appointments, Zia made sure that the judiciary could not defy the legality of his martial law or his constitutional amendments. The courts, having been deprived of their autonomy, were essentially turned into legitimization machinery for the actions of the regime. This cemented the politicization of the judiciary and established a precedent for executive hegemony over judicial institutions in Pakistani political history.

Humiliation of judiciary

General Zia-ul-Haq systematically humiliated and weakened the judiciary to solidify his grip on power. He selectively offered oaths to judges on 25 March, without consulting even the Chief Justices. Judges were kept in the dark, lists were kept secret, and many were excluded without explanation. Judges who had supported Zia, like Chief Justice Anwar-ul-Haq and Maulvi Mushtaq, were discarded when no longer useful. Despite resistance from a few brave judges like Dorab Patel, the majority surrendered to the pressure and took the oath to secure their positions. Zia denied oaths to judges seen as sympathetic to the opposition, particularly the Pakistan People's Party (PPP). In several High Courts, judges were humiliated by being rejected at the Governor's House. The judiciary's own divisions and career-driven attitudes enabled Zia's actions. Instead of resisting, most judges chose personal gain over institutional integrity, allowing the military regime to dominate the judiciary and undermine the rule of law.

Long term impact and legacy

General Zia-ul-Haq's rule from 1977 until 1988 was a critical juncture in the Pakistan judiciary's evolutionary process. Politically manipulating the judiciary, he left behind consequences that were wide-ranging not merely redefining the institution per se but had lasting effects upon the country's constitutional and democratic development as

well. Subversion of the courts during Zia's regime was not an unusual occurrence but policy under which the courts were functioning in the repressive interests of the regime and not as a check on abuse by the executive. The long-term legacy of this is that the courts were irremediably subverted and have a heritage which Pakistan still pays for even years after his tyranny. Zia's most lasting legacy was eroding judicial independence. By making judges re-swear allegiance to his Provisional Constitutional Order (PCO), Zia fostered a culture of intimidation and servility. Resisters were pushed aside, marginalized, or humiliated, obedient ones rewarded. It was a public declaration: career advancement and tenure on the bench hung in the balance of executive compliance, not law or Constitution. These steps were contrary to the doctrine of separation of powers, institutionalizing the judiciary as a second-order regime actor instead of an institution exercising powers in its own interest. This type of culture of intervention by the executive continued even decades after Zia's era and was a deeply ingrained style of governance in Pakistan. The second significant legacy was the justification of the "Doctrine of Necessity." The doctrine of necessity was formally employed by Zia during his time in office to justify illegal acts and martial law. Instead of justifying constitutionalism, the judiciary sanctified the coup carried out by Zia and the following authoritarian regime. Judicial credibility of military dictatorship had long-term adverse implications on constitutional supremacy and empowered future civilian and military dictators with greater authority to apply the same reasoning against democracy.

Its effect on the common man, though, was no different. As the judiciary itself was being viewed by the government to become increasingly and increasingly online by becoming increasingly and increasingly unjust, the overall masses also began losing confidence in it to become impartial and trustworthy. Presumptions by the prejudiced judiciary stole its credibility and made a general impression that the judiciary in Pakistan was politically tainted, at the mercy of the ruler, and susceptible to manipulation. Loss of credibility resulted in confrontation with the judiciary as a move to reconstitute itself once again as impartial and reasonable dispenser of justice despite the erosion of the Zia regime. Politicalization of the selection process of the judges is also one of the Zia regime's finest achievements. Judges were not selected on legal premise or moral values but political and ideological values of becoming part of the regime. This patronage and favoritism culture was continued by the later governments and were among the major causes for subverting the professional ethic and moral underpinning of the judiciary. It polarized the judiciary along axes of whether judges were viewed as regime friends or regime critics, again eroding institutional solidarity.

Besides this, Zia's Islamization policy also made its own indelible mark on the legal order. Establishment and enforcement of Sharia by the Federal Shariat Court remapped the judiciary's character of sense-making. Reforms enshrined in law a conservative, ascetic rule of law contrary to norms of new law and human rights norms. Despite being framed as religious reforms, the reforms were political and targeted

centralization of power and legitimacy among religious electorates and to marginalize political rivals, primarily those secular or progressive-minded. Judiciary's inability and reluctance to challenge Zia's authoritarianism deprived the country of a democratic institution of law. By not playing the role of a check tool over the excesses of the executive, the judiciary missed the chance to establish a healthy tradition of constitutionalism. The tradition of deference dominated, and the developing courts could not withstand political pressures and remain independent.

Zia's politicization of the longest surviving record of the judiciary had to be the impact which it had on the subsequent political regimes. Both the military regime and the civilian regime learned from Zia that the judiciary could be rendered operational to politics and could be regulated. It was taught the hard way how to depoliticize the courts and impart the vicious cycle of judicial independence getting sacrificed time and time again at the altar for securing short-run political stability. To put it concisely, General Zia-ul-Haq politicized the courts and converted the courts into a hobbled, split, and disfranchised wing devoid of independence and utilized it as an arm of dictatorship. Damage to the faith of citizens as well as that of representative government itself has been of a behemoth nature and magnitude. The judiciary in Pakistan to this very day still struggles with the residual impact of that period – endeavoring to change for good where political overreach is an abnormally normative factor still. The real price of Zia's legacy is the price of the missed opportunity to create a judiciary that would have been the cornerstone of democracy and not the enabler of authoritarianism.

CONCLUSION

Fundamental Finding : The politicization of the judiciary under General Zia-ul-Haq's regime constituted a calculated strategy to consolidate authoritarian power through the façade of legality, fundamentally transforming the judiciary from an independent institution into a compliant arm of the executive. **Implication :** This erosion of judicial autonomy not only undermined public trust and the rule of law but also entrenched executive dominance and conservative jurisprudence, with long-lasting consequences for Pakistan's democratic development and constitutional stability. **Limitation :** While this study provides a critical historical analysis, it is limited by its reliance on documented legal proceedings and scholarly interpretations, potentially overlooking nuanced intra-institutional dynamics or dissenting judicial voices during the era. **Future Research :** Further research should explore comparative case studies of judicial manipulation under other authoritarian regimes, as well as empirical assessments of contemporary judicial reforms in Pakistan, to evaluate the extent of recovery from Zia's legacy and the prospects for establishing genuine judicial independence.

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*** Zahida Ashraf (Corresponding Author)**

University of Punjab, Pakistan

Email: ashrafzahida569@gmail.com
