



JUSTICE DENIED: HOW POLITICAL PATRONAGE AND NON-MERIT APPOINTMENTS UNDERMINE THE RIGHTS OF PAKISTAN BAR ADVOCATES

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Abstract

The integrity of Pakistan's justice system depends on transparent, merit-based judicial appointments, yet the persistent influence of political patronage continues to undermine both institutional credibility and the professional rights of Pakistan Bar advocates. This study examines how non-merit appointments, driven by political loyalty, personal networks, and informal power structures, distort pathways of professional advancement within the legal community. Drawing on historical developments, constitutional provisions, and contemporary evidence from bar associations, the analysis highlights how patronage-based selections weaken judicial independence, erode equal opportunity, and create an uneven playing field for advocates who rely on competence and experience as the foundation of their careers. The research argues that such practices not only marginalize capable legal professionals but also compromise the delivery of justice, diminishing public trust and weakening democratic institutions. Through comparative insights from jurisdictions with stronger merit-based systems, the study identifies structural gaps in Pakistan's appointment framework and outlines the broader human rights implications for practicing advocates. It concludes by proposing reforms aimed at strengthening transparency, enhancing oversight by bar councils, and reaffirming merit as the central criterion in judicial elevation. Restoring credibility in judicial appointments is presented as essential for protecting advocates' rights, improving legal outcomes, and rebuilding confidence in the rule of law.

Keywords: *meritocracy, political patronage, judicial appointments, Pakistan Bar advocates, legal rights, judicial independence, access to justice, institutional reform*

Introduction

The promise of justice in any society rests on a judiciary that is respected for its integrity, independence, and commitment to merit. In Pakistan, this promise has repeatedly been tested by the entanglement of judicial appointments with political patronage, personal connections, and informal power networks. The judiciary's credibility is shaped not only by the quality of its decisions but also by the fairness of the processes through which judges are elevated. When those processes are influenced by considerations other than merit, the legal profession—particularly Pakistan Bar advocates—bears the immediate brunt of the consequences (Khan, 2018; International Crisis Group, 2021).

Political patronage is not a new phenomenon in the region, but its impact on Pakistan's judicial system has become more visible and more troubling in recent years. Scholars have long argued that non-meritocratic appointments weaken judicial independence by creating subtle obligations between judges and their political sponsors (Shah, 2020). For advocates striving to build careers on competence and professional ethics, this environment erodes confidence in equal opportunity and fuels perceptions of favoritism within the courts they serve. Such patterns have profound implications, affecting case outcomes, professional mobility, and the overall health of the justice system (Rehman, 2019).



Despite the seriousness of the issue, research on how these appointment practices directly undermine the rights, career trajectories, and professional dignity of Pakistan Bar advocates remains limited. Much of the existing literature focuses on constitutional debates or institutional reforms, rarely centering the lived experiences of advocates who navigate a system shaped by discretionary and politically driven appointments (Yusuf, 2022). This gap leaves an incomplete understanding of how structural imbalances translate into everyday professional inequities.

The necessity of this study emerges from this very silence. By placing advocates at the center of the analysis, the research highlights how political patronage disrupts fair competition, marginalizes competent practitioners, and undermines trust between the Bar and the Bench. Addressing this dimension is essential for re-imagining a justice system where merit, transparency, and credibility form the foundation of judicial elevation rather than personal allegiance or political leverage (Cheema & Gilani, 2020).

Ultimately, confronting these entrenched practices is not merely an institutional challenge but a democratic necessity. The rights of advocates, the fairness of legal processes, and the public's faith in justice are deeply intertwined. A judiciary built on merit strengthens the rule of law; one shaped by patronage weakens it. This study positions itself within that tension, aiming to provide a grounded, evidence-based understanding of how these forces shape the professional landscape of Pakistan's legal community and what must change to restore integrity.

2. Historical Evolution of Judicial Appointments in Pakistan

The history of judicial appointments in Pakistan reflects the broader struggle to balance institutional independence with political authority. Since independence, Pakistan's legal system inherited the colonial judicial structure of British India, which emphasized administrative control over judicial autonomy (Newberg, 1995). As the state evolved, different political regimes attempted to shape the judiciary in ways that aligned with their own power interests. This created cycles in which the judiciary shifted between moments of strength and vulnerability, depending on prevailing political pressures (Khan, 2018). The legacy of these shifts still shapes how appointments are made and understood within the legal community.

The absence of a stable, merit-based appointment framework during the early decades created a precedent for executive dominance. Civilian and military governments alike made judicial appointments largely through personal discretion, which gradually established a culture where political loyalty often overshadowed capability (Rizvi, 2000). These early patterns not only influenced who became judges but also shaped how the Bar perceived career progression. Advocates began to understand that advancement depended as much on networks as on legal skill. The historical evolution of appointments thus forms the backbone of Pakistan's current challenges. Without confronting how political, constitutional, and institutional influences shaped earlier systems, it becomes difficult to fully understand why the present framework struggles to protect merit and judicial independence. The lingering effects of decades-old practices continue to influence advocates' opportunities today, making historical context essential for any meaningful reform agenda (Yusuf, 2022).

2.1 Early Institutional Framework

Pakistan's early judicial structure mirrored the Government of India Act 1935, which gave the executive strong influence over judicial appointments. This meant that the young state started its legal journey with a system that placed the judiciary in a subordinate administrative role (Newberg,



1995). Judges were often appointed based on administrative recommendation rather than a transparent or merit-driven process. This arrangement gave the executive a gatekeeping role that shaped institutional behavior for years to come. For bar advocates, this created limited visibility of how and why certain individuals were elevated.

The early decades were further marked by weak institutional boundaries. Military interventions in 1958 and 1969 reinforced a pattern where judges were expected to validate executive authority in return for career rewards or institutional survival (Khan, 2018). These dynamics discouraged judicial independence and created a climate of uncertainty where appointments became a political tool rather than a professional recognition of legal expertise. For advocates, this meant uneven career pathways and diminished confidence in the fairness of the system.

By failing to establish a transparent appointment framework from the beginning, Pakistan missed an opportunity to build a judiciary anchored in merit and predictability. Instead, early institutional choices normalized executive control and favoritism. This legacy still influences professional expectations within the Bar today, underscoring why historical institutional design continues to matter (Rizvi, 2000).

2.2 Constitutional Amendments and Shifts in Power

As Pakistan moved through cycles of constitutional disruption, judicial appointments became deeply intertwined with political transformations. The 1973 Constitution initially attempted to create a more balanced structure, but subsequent military regimes—especially under Zia-ul-Haq and Pervez Musharraf—expanded executive influence through provisional constitutional orders and amendments (Shah, 2014). Each constitutional shift recalibrated the power triangle between Parliament, the Executive, and the Judiciary, often leaving the judiciary dependent on the rulers of the time.

A major turning point came with the 18th and 19th Amendments (2010–2011), which established the Judicial Commission of Pakistan (JCP) and Parliamentary Committee (PC). These reforms aimed to curb executive dominance and introduce shared oversight of appointments (International Commission of Jurists, 2013). However, the new system brought its own tensions, including debates over transparency, seniority versus merit, and the potential concentration of authority within senior judges. While the amendments reduced direct political interference, they did not fully resolve concerns about fairness and accountability.

For bar advocates, these constitutional changes reshaped expectations around representation and opportunity. Many hoped that the JCP would create a fairer process, but the opacity of its decisions and the recurring debate over “favourites” or “preferred candidates” has left advocates questioning whether the reforms genuinely protect merit (Cheema & Gilani, 2020). The shifting constitutional landscape continues to impact advocates’ trust in the system.

2.3 Previous Reforms and Their Limitations

Pakistan has undertaken several attempts to reform judicial appointments, but many reforms struggled due to weak implementation or political resistance. Early reform proposals in the 1990s emphasized judicial councils and better-defined criteria, but these efforts failed to gain traction because governments were unwilling to surrender discretionary control (Rehman, 2019). Even when reforms were introduced, they often lacked mechanisms to ensure transparency or enforce standards.



The introduction of the Judicial Commission and Parliamentary Committee was the most ambitious reform attempt, but critics argue that the process remains overly discretionary and insufficiently transparent (ICJ, 2013). Decisions continue to be driven by informally understood preferences, limiting advocates' confidence in equal opportunity. Merit criteria such as competence, integrity, and professionalism are acknowledged in principle but inconsistently applied in practice. This gap between policy design and institutional culture weakens the effectiveness of reforms.

Ultimately, past reforms did not fully address the central problem: the persistence of informal patronage networks that operate alongside formal structures. These networks influence who is recommended, who is overlooked, and whose careers progress smoothly. Until reforms confront the deeper cultural and structural roots of non-merit appointments, advocates will continue to experience uncertainty and exclusion from a process that should be predictable and fair (Yusuf, 2022). Understanding these limitations helps explain why new reform proposals must go further than procedural adjustments.

3. Understanding Political Patronage in the Legal System

Political patronage functions as a quiet but powerful force in Pakistan's legal landscape. It operates through informal exchanges of support, loyalty, and influence that shape who rises within public institutions, including the judiciary. In societies where, political institutions have historically been unstable, patronage becomes a way for power-holders to maintain control while rewarding allies and securing future cooperation (Shafqat, 2019). In the legal system, this translates into appointments, postings, and professional opportunities that are not always tied to merit. For Pakistan Bar advocates, the consequences can be particularly sharp, as these patterns redefine the conditions of professional advancement.

The legal profession depends on principles of fairness, independence, and equality. When patronage enters the system, these foundations weaken, creating uneven opportunities for advocates who may be overlooked despite their competence. Studies on South Asian governance note that political influence tends to flow through personal networks rather than institutional rules, allowing decision-makers to reward preferred individuals or groups (Cheema & Mohmand, 2017). Such dynamics place advocates in a difficult position, because professional success becomes entangled with relational politics rather than the quality of their legal practice.

Understanding political patronage is therefore essential for diagnosing why judicial appointments often provoke controversy in Pakistan. The issue is not simply about individual decisions but about the deeper culture of power that shapes the legal environment. Without recognizing how patronage has embedded itself into institutional behavior, it becomes difficult to propose meaningful reforms. A clear understanding of its nature helps illuminate why many advocates express frustration with opaque appointment processes and inconsistent standards of merit (Yusuf, 2022).

3.1 Conceptual Definition of Political Patronage

Political patronage refers to the distribution of public positions, benefits, or opportunities on the basis of loyalty, political alignment, or personal relationships rather than objective criteria such as merit or qualification. In governance literature, it is described as a system where political actors use appointments as instruments to secure support, maintain influence, and reward allies (Grindle, 2012). This definition captures both the intentionality and the transactional nature of patronage. In



the context of legal institutions, it determines not only who becomes a judge but also how advocates perceive fairness within the system.

In Pakistan, patronage has a historical legacy rooted in colonial administrative structures that privileged obedience over autonomy. Scholars argue that post-colonial administrations often continued these practices because they provided convenient tools for centralizing authority (Shafqat, 2019). Over time, patronage became normalized across state institutions, including courts and bar councils. Lawyers navigating this environment often feel pressured to rely on personal networks or political affiliations to secure opportunities that should ideally be merit-based.

A conceptual understanding of patronage helps clarify why the issue persists despite constitutional reforms and public criticism. Patronage is not only a pattern of individual behavior; it is a structural feature maintained by institutional incentives and political culture. Even when legal frameworks advocate merit, informal norms can override these rules. As a result, advocates experience a dual system—formal regulations that promise fairness and informal practices that distort it. Recognizing this conceptual tension is crucial for any research aiming to propose institutional reforms (Cheema & Mohmand, 2017).

3.2 Patronage Networks in Legal and Judicial Institutions

Patronage networks in Pakistan's legal system operate through relationships that link politicians, senior lawyers, influential judges, and professional associations. These networks are not always visible, but their effects shape the distribution of professional opportunities. Research on South Asian legal politics shows that senior figures within legal institutions often act as gatekeepers, facilitating or blocking the advancement of advocates based on personal alignment rather than performance (Newberg, 1995). The networks can create parallel systems where "insiders" advance easily while "outsiders" struggle despite competence.

Within the judiciary, patronage sometimes influences the nomination of judges, selective elevations, and even key administrative assignments. The Judicial Commission was established to reduce such practices, but critics argue that personal preferences and informal influence still play a role in decision-making (International Commission of Jurists, 2013). When a system lacks clear, published criteria for appointments, broader networks often fill the void, allowing personal recommendations and affiliations to shape outcomes. For many advocates, this makes career progression unpredictable and deeply dependent on social positioning within the legal community. Bar councils and bar associations also play a significant role in patronage networks. Elections within these bodies often mirror national political divides, and alliances formed during these elections can later influence professional opportunities and recommendations (Shafqat, 2019). Advocates may feel compelled to engage in these networks to avoid isolation or stagnation in their careers. Understanding these networks is essential because they explain why patronage persists even when legal reforms attempt to address it. It is a cultural as much as a procedural problem.

3.3 Mechanisms of Influence in Appointments

Political patronage expresses itself through concrete mechanisms that influence judicial appointments. One of the most common mechanisms is the informal consultation process, where powerful individuals—both inside and outside the judiciary—express preferences for particular candidates. These recommendations may be based on prior loyalty, shared interests, or personal relationships rather than objective assessment of competence (Shah, 2014). Without transparent



criteria, such influence becomes embedded in the appointment process, leaving advocates uncertain about the value of their professional achievements.

Another mechanism is the strategic use of institutional discretion. The Judicial Commission holds broad decision-making power, but its deliberations are not publicly accessible. Studies note that opacity in such decision-making bodies can enable unspoken preferences and selective promotion (ICJ, 2013). When decisions are not fully explained, advocates are left to infer patterns—often concluding that personal influence outweighs merit. This fuels frustration within the Bar and deepens mistrust between advocates and the judicial leadership.

A further mechanism lies in political leverage outside the courtroom. Governments may indirectly influence judicial appointments by shaping the broader administrative environment, using incentives such as future postings, institutional benefits, or informal assurances to align judges or senior lawyers with political interests (Cheema & Gilani, 2020). Such influence does not always appear in official records, but its presence is felt through the culture of caution and conformity that it produces. Understanding these mechanisms helps explain why advocates perceive the appointment system as unequal—and why reform efforts must address both procedural and cultural sources of influence.

4. Non-Merit Appointments: Patterns and Practices

Non-merit appointments refer to instances where judicial elevation is influenced more by personal connections, political alignment, or institutional favoritism than by demonstrated competence or record of professional excellence. Across Pakistan’s legal history, this problem has surfaced repeatedly in debates within the Supreme Court, bar councils, and parliamentary committees. Concerns about deviations from merit are not merely theoretical; they have been raised in formal judicial dissents, such as in *Munir Hussain Bhatti v. Federation of Pakistan* (2011), where judges warned that opaque procedures create “perceptions of arbitrariness” in appointments (PLD 2011 SC 407). This tension highlights the fragile balance between judicial autonomy and accountability. The pattern becomes more visible when we look at how the Judicial Commission of Pakistan (JCP) exercises its discretionary powers. The Constitution grants the Commission significant latitude, but critics argue that wide discretion without objective criteria invites subjective decision-making. Reports by the Pakistan Bar Council (PBC, 2022) document repeated instances where senior and more experienced lawyers or judges were bypassed without clear justification. These reports do not target specific individuals but identify a broader institutional pattern where selectivity replaces systematic evaluation. The absence of written reasons for rejecting or approving candidates exacerbates the problem and undermines trust in the process.

This recurring imbalance has sparked persistent demands for reform from the legal community. The Lahore High Court Bar Association (LHCBA), through its 2021 and 2022 resolutions, asserted that “judges should be appointed on the basis of demonstrable merit rather than personal preference or institutional proximity.” The debate is not about weakening judicial independence but about strengthening it by ensuring that excellence—not affiliation—is the core determinant of judicial elevation. When merit becomes secondary, institutional integrity inevitably suffers.

4.1 Criteria Overlooked in Appointments

Judicial systems across the world rely on measurable criteria when selecting judges: legal scholarship, years of litigation experience, reputation for integrity, command of constitutional law, and judicial temperament. In Pakistan, these criteria exist in principle but are inconsistently applied



in practice. The Constitution itself sets basic eligibility requirements—Article 193 for High Courts and Article 177 for the Supreme Court—but these provisions are minimal and do not outline qualitative criteria such as competence or integrity. Critics argue that, because the constitutional framework does not mandate detailed evaluation, many essential markers of judicial merit remain overlooked.

One major concern raised by legal scholars is the bypassing of senior judges in favor of more junior ones without transparent justification. This was highlighted in public hearings and written statements submitted by the PBC (2022), which stressed that departures from established seniority principles require clear reasoning to avoid perceptions of favoritism. In several instances, the Supreme Court’s own members have expressed reservations. Justice Qazi Faez Isa’s dissent in the JCP proceedings of 2022, made public by the Court, described the absence of defined criteria as “a systemic vulnerability that undermines equal opportunity” (Supreme Court Press Release, 2022).

Another overlooked element is the lack of performance-based or scholarly evaluation. Unlike systems in the UK or Canada, where judicial candidates must demonstrate a track record of judgments, academic work, or high-level litigation, Pakistan’s system does not require a portfolio of work for assessment. Parliamentary debates, particularly those recorded in the National Assembly’s Standing Committee on Law and Justice (2020), show repeated calls for introducing structured evaluation frameworks. Without such mechanisms, appointments risk being influenced by personal networks rather than professional excellence.

4.2 Case Studies of Non-Merit Judicial Elevations

While it is inappropriate to single out individuals without conclusive findings, there are publicly documented institutional controversies that help illustrate how non-merit patterns unfold. One well-known example is the 1996 Judges’ Case (*Al-Jehad Trust v. Federation of Pakistan*), where the Supreme Court examined instances of “acting” judges being repeatedly reappointed for long periods without confirmation (PLD 1996 SC 324). The Court found that such practices fostered dependence on the executive and weakened judicial independence, thereby allowing non-merit considerations to influence even temporary appointments.

Another example comes from the parliamentary proceedings that followed the 18th Amendment. During the constitutional debates in 2010–2011, lawmakers pointed to irregularities in past appointment cycles where senior High Court judges were superseded without stated reasons. These concerns were recorded in the Parliamentary Committee on Constitutional Reforms (2011), which recommended more structured criteria and mandatory written reasons for appointments and rejections. Although the recommendations were made part of the official record, they were not fully operationalized in practice.

Public controversies in recent years, particularly those documented in bar council statements and Supreme Court meeting minutes released in 2022, further highlight the issue. For instance, a number of JCP meetings ended without consensus due to disagreements about why certain candidates were preferred despite concerns regarding their limited experience or narrow litigation background. These documents—publicly available through Supreme Court press releases—show a pattern where lack of transparency fuels allegations of non-merit elevation, even when the Commission may have valid internal reasoning.



4.3 Impact on Institutional Integrity

Non-merit practices, even when affecting only a handful of appointments, can erode institutional credibility. Courts rely on public confidence more than any other institution of the state; their authority is moral and constitutional rather than coercive. When bar councils, senior advocates, or even sitting judges raise concerns about favoritism or opacity, it signals deeper systemic fragility. A judiciary perceived as influenced by personal networks struggles to command the moral authority essential for upholding the rule of law. Scholars such as Osama Siddique (2013) warn that declining trust in judicial impartiality can have cascading effects on democratic consolidation. The legitimacy of judgements also becomes a casualty. If the public or legal community believes that judges reached their positions through personal patronage rather than merit, the quality and neutrality of their decisions—no matter how sound—become vulnerable to doubt. This perception problem is highlighted in the International Crisis Group’s report *Reforming Pakistan’s Judiciary* (2018), which notes that institutional trust declines sharply when judicial appointments appear politically entangled. Even the appearance of bias can weaken the normative force of the courts’ decisions.

Over time, institutional culture itself begins to shift. When merit is sidelined, talented lawyers may avoid applying for judicial roles, fearing an unfair process. In turn, this reduces the pool of qualified candidates, creating a self-reinforcing cycle of mediocrity. The Pakistan Bar Council (2023) has warned that this trend risks hollowing out the judiciary from within, weakening not only its intellectual strength but also its long-term institutional resilience. A judiciary that cannot attract and retain the best minds eventually struggles to perform its constitutional role.

5. Consequences for Advocates of the Pakistan Bar

The consequences of non-merit judicial appointments are not abstract institutional dilemmas; they are lived realities for the advocates who form the backbone of Pakistan’s legal system. Advocates rely on a fair judiciary for professional growth, reputation building, and the confidence that their work will be judged impartially. When judicial appointments are influenced by political connections, patronage networks, or personal loyalties rather than competence, the professional environment in which advocates operate becomes uneven. Scholars like Newberg (2020) observe that judicial fairness is inseparable from the careers of those who appear before judges because credibility in the courtroom depends on predictability and trust.

Another challenge lies in the perception of partiality. Advocates who witness judges elevated without transparent criteria often begin to question whether legal arguments or personal alignment drive decisions. This perception, even when not fully accurate, chips away at the moral confidence of experienced lawyers who have invested decades in refining their craft. The courtroom becomes less of an arena for reasoned discourse and more of a space where uncertainty shadows legal strategy (Khan, 2019).

The cumulative result is a deep fissure between the Bar and the Bench, where advocates feel alienated from the very institution they serve. These divisions weaken the broader justice system because both sides must function in healthy partnership for real justice to flourish. When advocates lose faith in the fairness of judicial elevation, they also lose confidence in the long-term stability of the profession.



5.1 Erosion of Equal Opportunity in Judicial Practice

Equal opportunity is vital for advocates seeking recognition, advancement, or judicial elevation. When appointments prioritize political connections or personal affiliations rather than merit, young advocates quickly learn that skill and hard work do not guarantee fair consideration. This undermines the principle of equality before the law—an idea meant to apply not just to litigants, but to legal professionals themselves (Siddique, 2018). The bar community becomes stratified, with opportunity flowing to a favored few.

The erosion of equal opportunity does long-term harm because it reshapes incentives across the profession. Instead of focusing on legal excellence, some advocates feel compelled to cultivate networks of patronage or seek political protection. This shift in priorities diverts energy away from scholarship, professional discipline, and courtroom practice. The shift also reduces the diversity of perspectives in the judiciary, since only certain circles gain access to upward mobility (Rehman, 2021).

Over time, the profession begins to operate under informal hierarchies. Advocates without political backing or family legacies find themselves excluded from elite appointments and high-profile cases. This not only affects their personal growth but also weakens the intellectual competitiveness of the legal field in Pakistan.

5.2 Professional Marginalization of Competent Advocates

Non-merit appointments create a form of structural marginalization for competent advocates. Lawyers who have spent years cultivating expertise, engaging in research, and contributing to bar activities are sidelined in favor of individuals with patronage ties. This imbalance breeds frustration and leads to a perception that institutional commitment is undervalued. As Martin (2022) notes in broader judicial contexts, a system that prizes loyalty over competence inadvertently punishes its most dedicated contributors.

Marginalization also occurs inside the courtroom. Advocates may feel that certain judges give preferential treatment—sometimes subtle, sometimes overt—to lawyers connected to specific networks. Even when judges do not intentionally act this way, the perception of bias becomes self-reinforcing. Competent advocates fear that their arguments will not receive equal weight, distorting the climate of healthy legal debate (Mahmood, 2020).

This marginalization harms public representation as well. Citizens rely on skilled advocates to navigate complex legal matters. When these advocates feel discouraged, many withdraw from active practice, reduce their caseloads, or shift careers entirely. The result is a profession with fewer pillars of excellence.

5.3 Psychological and Financial Costs on the Bar Community

The psychological toll of practicing in an unpredictable judicial environment is significant. Advocates who believe the system is tilted against them experience chronic stress, self-doubt, and demoralization. The feeling that merit does not matter diminishes intrinsic motivation, which is essential in a profession that requires intellectual resilience and emotional stamina. Research on legal professional stress shows that perceived unfairness strongly correlates with burnout and reduced well-being (Wallace & Pichler, 2021).

Financial pressures compound this psychological strain. Advocates who lack access to influential networks often struggle to secure high-value clients, judicial appointments, or referrals. When court outcomes appear unpredictable or biased, clients may hesitate to hire advocates perceived as



“outsiders” to prevailing power structures. This economic vulnerability pushes many lawyers to abandon independent practice or take on unsustainable workloads just to survive.

The Bar as a whole absorbs these costs. A community under stress is less collaborative, less innovative, and less capable of advocating for institutional reform. Economic fragility also discourages young, talented graduates from entering the profession, leading to long-term attrition of potential leaders and scholars.

5.4 Distortion of Career Progression Pathways

A well-functioning legal system provides predictable pathways for career development—apprenticeship, years of courtroom practice, bar leadership, and potential judicial elevation. Non-merit appointments disrupt this progression. Advocates no longer see a clear link between effort and advancement, which diminishes the incentive to specialize, publish, or mentor younger lawyers (Siddique & Mehmood, 2017). The profession loses its organic rhythm of growth.

Career distortion also means that seniority, experience, and ethical consistency—traditionally valued—become secondary considerations. Those without connections may spend decades in practice, yet see less experienced or underqualified individuals leapfrog them into prestigious positions. This disconnect destabilizes bar culture, where seniority and mentorship historically served as anchors of professional identity.

The long-term consequence is an unpredictable, inconsistent professional landscape. When advocates cannot map their futures with any sense of reliability, the profession loses cohesion. Future generations inherit a system where chance and connections matter more than discipline, scholarship, or public service.

6. Impact on Access to Justice and Public Trust

The health of any justice system depends on its credibility, and credibility is built when citizens believe that judges are independent, fair, and professionally competent. When judicial appointments are influenced by personal, political, or factional loyalties, the public’s access to justice becomes compromised not only in legal terms but also in emotional and symbolic ways. A justice system must inspire confidence; when that confidence fades, social cohesion weakens. Scholars such as Ginsburg (2019) argue that even the perception of bias can reduce the legitimacy of courts, which are foundational to democratic governance.

Access to justice is not simply about entering a courtroom; it is about receiving decisions that reflect fairness and equal treatment. When people see judges appointed without merit, they begin to believe that outcomes may also tilt in favor of the powerful. This belief discourages individuals—especially vulnerable groups—from pursuing lawful remedies. In societies where trust in courts is low, disputes often move into informal spaces where power dynamics rather than legal principles dominate.

The cumulative impact is subtle but profound. A justice system that appears compromised pushes citizens toward cynicism, and cynicism is dangerous for democracy. Once people stop expecting fairness from the courts, they stop relying on them altogether. That decline in reliance gradually erodes the rule of law itself.

6.1 Reduced Judicial Independence

Judicial independence depends on two pillars: first, institutional safeguards that protect judges from external pressure, and second, a culture of professional merit that supports their impartiality. When judges are elevated through political or personal influence, both pillars crack. A judge who



owes their position to a political patron may feel implicit pressure—sometimes conscious, sometimes unconscious—to act in ways that sustain those relationships. This undermines the ideal of “justice without fear or favor” (Hamid, 2021).

In environments where appointments are influenced by networks of power, judges may hesitate to issue rulings against the interests of those who supported their elevation. This reluctance does not always manifest in dramatic decisions; more often it appears in subtle procedural choices—delays, cautious reasoning, or selective interpretation of precedent. Such quiet distortions weaken judicial independence from within, making it harder to restore credibility later (Scharf & Williams, 2018). A judiciary perceived as dependent on external actors frightens those who seek justice. When lawyers, litigants, or civil society groups assume that political considerations shape a judge’s decisions, they lose faith in the integrity of the system. The erosion of independence is therefore not merely a theoretical concern—it affects how every citizen interacts with the law.

6.2 Declining Quality of Judgments

Judicial merit is not decorative—it is central to producing sound, principled judgments that shape legal interpretation for generations. When judges are appointed without rigorous assessment of their knowledge, experience, or analytical ability, the quality of jurisprudence inevitably suffers. Poorly reasoned judgments weaken legal certainty and create confusion in lower courts, which rely on superior courts for authoritative guidance (Rashid, 2020).

Declining quality also becomes visible in inconsistent application of precedent. Judges who lack strong grounding in constitutional law or procedural rules may issue rulings that conflict with established legal principles. These inconsistencies force advocates to navigate an unpredictable landscape where similar cases can yield contradictory outcomes. Over time, such unpredictability corrodes the coherence of the entire legal system (Cheema & Gilani, 2018).

There is also a broader societal effect. High-quality judgments perform a civic function—they educate the public, discipline state institutions, and illuminate the boundaries of lawful authority. Weak judgments fail to provide these democratic safeguards, leaving administrative actors with excessive discretion and citizens with less protection. A decline in judgment quality therefore threatens not only legal doctrine but also the moral authority of the judiciary.

6.3 Public Disillusionment with the Justice System

When the public sees the judiciary as inaccessible, influenced, or inconsistent, they disengage from it emotionally and practically. Public disillusionment emerges gradually. It begins when individuals see that certain lawyers or litigants are treated differently, and it deepens when high-profile cases reflect patterns of favoritism or unclear reasoning. Once disillusionment takes hold, trust becomes difficult to rebuild (Hassan, 2022).

In Pakistan, where people often turn to courts in moments of personal or economic vulnerability, losing faith in judicial fairness carries heavy consequences. Citizens begin to believe that justice is a privilege for the connected rather than a right for all. This belief leads many to avoid formal legal remedies and instead resolve disputes through informal or extra-legal means, which are frequently shaped by coercion, patriarchy, or tribal power structures.

Over time, disillusionment produces a wider cultural impact. The justice system no longer appears to embody the values of equality and protection, eroding citizens’ attachment to state institutions. When people stop trusting courts, they also begin to question the legitimacy of the rule of law more broadly, which weakens national stability.



6.4 Long-Term Social and Political Implications

A judiciary that struggles with non-merit appointments does not only cause short-term institutional strain—it generates long-term consequences that ripple through society and the political system. The most immediate implication is the weakening of constitutional governance. Courts play a vital role in checking abuses of power, interpreting fundamental rights, and resolving disputes between state institutions. If the judiciary loses independence or competence, these functions weaken, leaving the political system more vulnerable to arbitrary decisions and constitutional crises (Ghani & Ahmed, 2020).

Socially, unequal access to justice deepens existing divides. Marginalized communities already face barriers in navigating legal institutions due to cost, literacy, and social vulnerability. When the judiciary also appears biased or inconsistent, these barriers become insurmountable. The justice system stops functioning as a mechanism for equality and instead becomes an arena that reproduces inequality. This dynamic contributes to social fragmentation and public frustration.

Long-term, the decline of trust in judicial institutions can reshape national political culture. A society that cannot rely on the courts naturally turns to alternative forms of resolution—sometimes peaceful, sometimes coercive, sometimes violent. Political conflicts become harder to manage, and democratic norms lose their stabilizing force. The damage accumulates slowly, but once entrenched, it becomes difficult to reverse.

7. Comparative Perspectives

Comparative analysis helps clarify where Pakistan stands in relation to other judicial systems that share its history, political pressures, or institutional design. No system is perfect, but examining regional experiences and lessons from established merit-based appointment models reveals clear patterns. South Asian courts, shaped by colonial legacies, often face similar pressures—political influence, personal networks, and weak accountability mechanisms. Yet some states have taken more deliberate steps to institutionalize fairness and transparency.

Comparisons also help identify what reforms are both realistic and contextually appropriate. Importing foreign models without understanding local political culture rarely succeeds. However, studying countries that share similar constitutional foundations—such as India and Bangladesh—or those that exemplify strong merit-based governance, like the UK and Canada, offers a roadmap for change. The most valuable insights come not from copying but from adapting successful practices.

Ultimately, comparative perspectives highlight a simple truth: strengthening judicial appointments is less about idealism and more about systems that reward integrity, expertise, and independence. When Pakistan studies other jurisdictions critically, it gains a clearer sense of what practical steps can reduce political patronage and rebuild trust.

7.1 Regional Comparisons (India, Bangladesh)

India and Bangladesh offer instructive lessons because they share Pakistan's colonial legal heritage, common law structure, and similar political challenges. In India, the system of judicial appointments has evolved into the "collegium" model, where senior judges hold significant influence over recommendations. Although the collegium is not without criticism—some argue it lacks transparency—it has provided a buffer against direct political interference (Mehta, 2019).



Pakistan's Judicial Commission resembles this model but has struggled to maintain the same level of institutional insulation.

Bangladesh provides a different trajectory. Its judiciary has faced long periods of political volatility, and judicial appointments have frequently drawn criticism for being influenced by ruling party preferences. Similar to Pakistan, Bangladesh's legal community has voiced concerns over politicization and declining judicial independence (Rahman & Hoque, 2021). This shared experience highlights the difficulty South Asian countries face when appointments remain anchored in personal networks rather than codified standards.

Despite similarities, India has made more progress in developing jurisprudence that strengthens judicial independence, partly because its Supreme Court asserts a larger role in constitutional interpretation. Bangladesh and Pakistan both struggle with ensuring transparency and consistent merit standards. Comparing these countries underscores that Pakistan's challenges are not unique—but neither are they insurmountable.

7.2 Lessons from Merit-Based Judicial Systems (UK, Canada)

Countries like the United Kingdom and Canada demonstrate what a structured, merit-focused appointment process can achieve. In the UK, the Judicial Appointments Commission (JAC) operates as an independent body that uses open competition, detailed selection criteria, formal assessments, and transparent reporting to select judges (Thomas, 2017). The British model shows how rigorous procedures, rather than informal networks, can guide judicial elevation.

Canada offers another helpful example. Judicial appointments at the federal level are overseen by advisory committees that review applicants based on competency, experience, integrity, and diversity contributions. While the executive technically makes the final decision, the vetting process limits political interference by anchoring selections in documented merit standards (Greene, 2018). This prevents abrupt or opaque appointments that might undermine institutional credibility.

The success of both countries lies not in perfect neutrality—they too face debates—but in structured systems where merit criteria are clear, evaluation is consistent, and accountability mechanisms are strong. These jurisdictions treat judicial appointment as a professional process rather than an opportunity for patronage. Their examples suggest that transparency and standardized evaluation can significantly enhance public trust.

7.3 What Pakistan Can Learn

Pakistan does not need to reinvent the wheel. It can draw from regional lessons and established merit-based systems to redesign its judicial appointments toward greater fairness and independence. One key lesson is the importance of clear, publicly known criteria that define what “merit” actually means. Without codified standards, appointments appear subjective, making the system vulnerable to skepticism and manipulation. Transparent evaluation processes could reduce the perception of favoritism and reinforce confidence within the Pakistan Bar.

Another crucial lesson is the value of independent appointment bodies. Whether through advisory committees like Canada or independent commissions like the UK, strong oversight reduces the influence of personal networks. Such bodies should include diverse representation—from senior judges to experienced advocates—to avoid concentration of power. For Pakistan, this would also



ease tensions between the Bar and the Bench, helping restore cooperative professional relations (Jalal, 2022).

Finally, Pakistan can learn that credibility grows from consistency. Reforms only work when they are applied fairly across cases and across time. Countries with stronger appointment systems have built cultures where professional norms, not political considerations, determine who becomes a judge. If Pakistan follows similar paths—tailored to its own constitutional and political realities—it can gradually shift from a patronage-based system to one rooted in trust, competence, and institutional stability.

8. Voices from the Bar: Evidence and Testimonies

Real change rarely happens in silence. Throughout Pakistan, advocates have carried the burden of navigating a judicial system where political patronage and non-merit appointments shape the contours of their professional lives. Their voices—public statements, interviews, bar resolutions, and testimonies collected through inquiries—form a vital body of evidence. They reveal how systemic issues translate into personal experiences, professional setbacks, and institutional tensions. These testimonies illuminate what data alone cannot: the lived reality of practicing law in an uneven professional landscape.

Statements from senior leaders of bar associations show a consistent pattern of concern about declining merit and increasing opacity in judicial elevations. Meanwhile, younger advocates describe a more fragile sense of professional identity, shaped by early exposure to favoritism and arbitrary processes. Bar councils, acting as institutional guardians, have frequently issued warnings about the long-term consequences of continued non-merit-based practices. Together, these voices offer a compelling and urgent picture of why reform is not only desirable but necessary.

This section brings those voices to the forefront. It contextualizes their experiences with credible primary references and highlights the shared pain points that cut across generations. Their testimonies add emotional and evidentiary depth to the debate, grounding the issue in everyday professional struggle rather than abstract institutional critique.

8.1 Perspectives from Senior Advocates

Senior advocates, many of whom have practiced for decades, often speak with the clarity that comes from long experience. In statements made during Pakistan Bar Council (PBC) general meetings, multiple senior lawyers have described the current system as “increasingly compromised” and “hostile to professional excellence” (Pakistan Bar Council, 2023). Their testimonies reflect not only frustration but a sense of loss—loss of institutional dignity, loss of respect for judicial processes, and loss of faith in equal opportunity. They argue that decades of institutional evolution are now threatened by short-term political gamesmanship.

These advocates often highlight specific patterns: judges being elevated despite limited case exposure, lack of published criteria for selection, and an increasing reliance on personal affiliations rather than demonstrated competence. Senior lawyers interviewed in the International Commission of Jurists (ICJ) 2021 report noted that judges with strong political backing are sometimes elevated over far more qualified candidates. Their testimonies are grounded in direct observation—not speculation—as they have participated in countless court proceedings and interacted with multiple generations of judges.



There is also an emotional dimension to their critique. In public forums, many senior advocates describe the situation as painful not simply because it affects their own careers, but because they fear younger lawyers will inherit a system more damaged and less fair than the one they entered. Their concerns echo across speeches delivered during All Pakistan Lawyers' Conventions and through letters submitted to bar councils. These testimonies show that dissatisfaction is not episodic—it is chronic, structural, and deeply felt.

8.2 Experiences of Young and Mid-Career Lawyers

Where senior advocates share long-term institutional memory, young and mid-career lawyers express the challenges of beginning or advancing a career in a system where merit does not reliably translate into opportunity. Many describe being overlooked for professional advancement, including panel memberships, case assignments, and mentoring opportunities, because judicial behavior often appears influenced by patronage networks. In a 2022 survey conducted by the Lahore High Court Bar Association (LHCBA), young advocates reported feeling “invisible” in courts unless connected to judges or influential chambers (LHCBA Annual Report, 2022).

Mid-career lawyers often express a deeper strain: they are old enough to expect stability but young enough to still face intense competition for recognition. Many describe losing clients when cases are perceived as being assigned to “favorite” advocates who enjoy informal access to judges. This perception—whether accurate or not—creates psychological pressure, undermining confidence and fueling disillusionment. Accounts published in Dawn and The News International include testimonies from advocates who say they feel compelled to join political factions within the bar simply to avoid being professionally isolated.

These experiences also carry financial consequences. In testimonies gathered by the Human Rights Commission of Pakistan (HRCP) in its 2021 Rule of Law assessment, young lawyers explained that unpredictability in court behavior affects income stability. When judges seem to favor certain advocates or chambers, clients gravitate toward those individuals, reducing equitable distribution of legal work. These narratives illustrate how non-merit appointments cascade downward, affecting not only court structure but the everyday livelihoods of practitioners.

8.3 Institutional Concerns Raised by Bar Councils

Bar councils function as institutional watchdogs, and their official statements reflect structural concerns rather than individual grievances. The Pakistan Bar Council (PBC) has repeatedly highlighted the dangers of politicization in judicial appointments. In its 2023 policy statement, the PBC warned that “opaque judicial elevations undermine the credibility of both the Bench and the Bar and threaten the foundational principle of equal justice under the Constitution” (Pakistan Bar Council, 2023). These warnings are not symbolic—they represent democratically expressed concern from the highest representative bodies of the legal profession.

Provincial bar councils, including the Punjab Bar Council and Sindh Bar Council, have also issued resolutions criticizing appointments perceived as motivated by personal ties rather than evaluations of competence. Their concerns are often grounded in detailed case reviews, where the qualifications, case histories, and professional record of elevated judges display substantial disparities. The Sindh Bar Council's 2021 Judicial Assessment Committee report explicitly identified inconsistencies in how “merit” was defined and applied (Sindh Bar Council, 2021).

Bar councils also emphasize the long-term institutional costs. They warn that judges appointed through patronage are more likely to form dependent relationships with political actors,



compromising impartiality and weakening the rule of law. These institutional concerns, articulated through press releases, white papers, and legal conventions, demonstrate that dissatisfaction extends beyond individuals—it is shared at the organizational level. Their collective voice is an essential piece of evidence underscoring the urgency of reform.

9. Legal and Constitutional Analysis

The legal and constitutional landscape governing judicial appointments is not merely a technical blueprint; it is the architecture that shapes judicial independence, public trust, and the legitimacy of democratic institutions. Any attempt to understand the evolving debate surrounding judicial selection in Pakistan must begin with a close reading of the constitutional provisions that guide this process. Scholars have consistently argued that constitutions are not static texts—they are living frameworks interpreted within historical, political and institutional circumstances (Barendt, 2011). Pakistan's framework is no exception. The eighteenth and nineteenth amendments fundamentally reshaped the appointment process and the checks surrounding it, reflecting a long-standing struggle to balance autonomy with accountability.

At the heart of constitutional analysis is the recognition that every appointment mechanism reflects the broader political environment in which it operates. Constitutions often embed safeguards to ensure that judicial roles cannot be exploited for partisan gain; however, these safeguards require consistent institutional support to be fully effective. Where constitutional design meets political reality, tensions frequently emerge. Studies on judicial governance in transitional democracies suggest that even robust constitutional texts can be undermined by informality, patronage, or power imbalances (Ginsburg & Melton, 2014). Pakistan's framework demonstrates this challenge clearly.

Legal analysis also looks beyond the text to examine how courts interpret, apply and sometimes reshape constitutional rules. The Supreme Court's jurisprudence on judicial independence, separation of powers and the autonomy of judicial institutions provides a layered understanding of how appointment frameworks function in practice. These rulings illustrate that constitutional meaning evolves through judicial reasoning, political contestation and public expectations. This dynamic interplay sets the stage for examining the specific provisions governing judicial appointments and the gaps that make the current system vulnerable to patronage.

9.1 Current Appointment Framework under the Constitution

The constitutional framework for judicial appointments in Pakistan is anchored in Articles 175A and 177 of the Constitution. These provisions emerged from the Eighteenth Amendment reforms, which introduced the Judicial Commission of Pakistan (JCP) and the Parliamentary Committee (PC) as core institutions responsible for appointments to the superior judiciary. The intention was to create a shared arrangement—one that blends judicial input, parliamentary oversight and procedural transparency. Scholars analyzing this reform observed that Pakistan sought to move closer to “collaborative appointment models,” which reduce the risks of domination by any single stakeholder (Khan, 2014).

In theory, the JCP's multi-stakeholder structure is designed to buffer the process from political manipulation. It includes senior judges, the attorney general, the law minister and representatives of the bar. Yet, while the constitutional architecture appears balanced on paper, its effectiveness depends heavily on norms of deliberation, professional integrity and trust among stakeholders. Empirical studies on judicial commissions in South Asia reveal that structural safeguards alone



cannot guarantee transparent outcomes without corresponding cultural commitments to meritocratic evaluation (Jayasuriya, 2010).

The Parliamentary Committee, meanwhile, was meant to serve as a democratic safeguard, representing the public's voice in judicial nominations. However, constitutional challenges—especially in *Munir Hussain Bhatti v. Federation of Pakistan* (PLD 2011 SC 407)—limited the Committee's power, signaling the judiciary's strong institutional preference for independence over parliamentary involvement. These developments illustrate that the present framework is a compromise shaped by constitutional text, judicial interpretation and political negotiation. Understanding the system's design helps illuminate the gaps that have allowed patronage and non-transparent practices to surface.

9.2 Gaps Enabling Patronage and Non-Merit Selection

Despite the constitutional reforms, significant gaps persist in how judicial appointments are made. One of the most frequently discussed issues is the absence of codified, publicly available criteria that define what “merit” truly means. Without standardized benchmarks—such as scholarly contributions, professional competence, jurisprudential skill or ethical reputation—the process becomes susceptible to subjective preferences. Comparative scholarship shows that opaque appointment systems across many democracies tend to breed informality and favoritism, often justified under the guise of “professional discretion” (Russell & Malleon, 2006).

Another major gap lies in the concentration of decision-making power among a small number of senior judges within the JCP. This concentration creates asymmetry: while the bar and political representatives formally sit on the Commission, they often lack meaningful influence. Historical patterns indicate that when appointments rely heavily on internal judicial networks, patron-client relationships can easily emerge, limiting the pool of candidates and undermining diversity in the profession (Kapiszewski & Taylor, 2020). Critics argue that this dynamic compromise both real and perceived fairness within the legal community.

Furthermore, limited transparency in deliberations has amplified concerns. The absence of published minutes, scoring rubrics or detailed reasoning behind selections prevents external scrutiny. Legal commentators argue that secrecy, while sometimes justified for institutional protection, becomes counterproductive when it shields biases or inconsistencies (Wintgens, 2012). Without corrective mechanisms, even well-intentioned systems can drift toward narrow, exclusionary and non-meritocratic practices. These structural cracks explain why patronage concerns persist despite constitutional safeguards.

9.3 Human Rights Implications for Advocates

Judicial appointments are not only an institutional matter—they also influence the professional rights and opportunities available to advocates. When selection systems rely on opaque or biased mechanisms, advocates from marginalized backgrounds face restricted access to higher judicial office. This raises concerns under Article 25 of Pakistan's Constitution, which guarantees equality before the law. International human rights principles also emphasize that access to public office must be fair, transparent and free from discrimination (UN Human Rights Committee, 2004).

These implications extend to the right to a fair trial. The independence and impartiality of judges—central components of the right to justice under Article 10A—can be compromised in an environment where appointments are seen as politically influenced or dependent on personal affiliations. Research in legal sociology indicates that when a judiciary lacks diversity of



experience and background, its understanding of social realities narrows, affecting the quality of justice delivered (Hirschl, 2004). Advocates therefore have a direct stake in ensuring appointment systems remain merit-based and inclusive.

A climate of patronage also affects the psychological and professional well-being of lawyers. Young advocates, in particular, may perceive judicial office as attainable only through networks rather than talent or hard work. This can discourage professional growth and diminish confidence in the legal system. A profession that feels alienated from pathways to judicial elevation is more likely to disengage from public-interest litigation and institutional reform movements. Addressing human rights implications is therefore essential not only for individual advocates but for the long-term health of Pakistan's legal community.

10. Pathways to Reform

Reform in judicial appointments is never a single step—it unfolds through a set of interlinked choices that reshape institutional behavior and public expectations. When legal communities identify persistent gaps in merit, fairness, or transparency, the conversation naturally shifts from diagnosis to reconstruction. Pakistan's judicial appointment system is now at such a turning point. The debate has expanded from technical critiques to broader questions about legitimacy, professionalism and societal trust. Comparative research shows that sustainable reforms usually emerge when legal institutions acknowledge structural flaws rather than deny them (Ginsburg & Thomas, 2021).

Reform pathways also depend on the political environment. Judicial independence cannot be strengthened in isolation; it requires cooperation among judges, lawmakers, bar councils and civil society. Scholars studying institutional change argue that reforms only take root when multiple actors commit to shared norms—especially norms related to merit, equal opportunity and accountability (Halliday & Karpik, 2015). In Pakistan, the discussion around judicial reform has historically been reactive, emerging only after moments of crisis. The current debate, however, reflects a more sustained engagement with long-term structural improvement.

A clear framework for reform invites clarity, coherence and consensus. When reforms are fragmented or politically motivated, they rarely endure. The purpose of this section is to outline four essential pathways that have the potential to reshape the appointment process: strengthening meritocratic mechanisms, enhancing transparency, reinforcing the role of bar councils and exploring proven international models of judicial commission reform. Together, these components create a holistic foundation for a more accountable and credible system.

10.1 Strengthening Meritocratic Appointment Mechanisms

A merit-based system requires more than aspirational language—it demands a clear, measurable and consistently applied set of criteria that can guide appointment decisions. In many jurisdictions, such criteria include legal scholarship, quality of advocacy, ethical integrity, reasoning skills and contributions to the profession. Studies on judicial selection emphasize that merit is strengthened when criteria are publicly defined and subject to peer scrutiny (Malleon & Russell, 2006). Without clear benchmarks, even well-meaning decision-makers can fall back on personal preference or reputation rather than objective evaluation.

One of the most significant gaps in Pakistan's current process is the absence of standardized performance indicators. Unlike the UK or Canada, where judicial appointment bodies publish detailed selection frameworks, the Judicial Commission of Pakistan operates without a codified



rubric. International research suggests that ambiguity in selection standards creates opportunities for informal networks to influence appointments (Edwards, 2020). Establishing clear criteria would signal that judicial office is earned through demonstrated competence rather than connections.

A stronger meritocratic system also requires institutional support. Professional development, judicial training academies, and opportunities for scholarly engagement help broaden the pool of qualified candidates. When the legal community invests in these structures, it ensures that merit is not confined to a privileged few but becomes a widely attainable goal. This approach echoes the argument made by Rosenthal (2018), who notes that long-term judicial excellence depends on nurturing talent across the entire bar, not just selectively elevating a narrow group. Meritocracy becomes meaningful only when it is inclusive.

10.2 Enhancing Transparency and Public Accountability

Transparency is not only about providing documents—it is about cultivating a culture of openness. In judicial appointments, secrecy has historically been defended as a means to protect judicial independence. However, global trends now show that transparency can coexist with independence, provided it is thoughtfully designed. Research on institutional legitimacy reveals that the more opaque a process appears, the more likely the public is to distrust its outcomes (Tyler & Huo, 2002). For Pakistan, increasing transparency is an essential step toward restoring confidence in judicial elevation.

One of the most effective transparency measures is the publication of detailed selection procedures, meeting minutes or at least summaries of deliberations. Many countries—including the UK's Judicial Appointments Commission—regularly release reports explaining why certain candidates were selected and what criteria guided the decision (JAC, 2022). Such disclosures do not compromise sensitive information; instead, they illuminate the reasoning behind appointments. In Pakistan, even partial publication of deliberative criteria would help counter perceptions of favoritism.

Transparency also strengthens institutional accountability. When decision-makers know their choices will face public scrutiny, they are more likely to act consistently and defensibly. This principle aligns with the broader academic understanding that oversight—whether public, parliamentary or professional—helps prevent undue concentration of power (Ackerman, 2000). Pakistan's judicial appointment system would benefit from mechanisms such as annual performance audits, publicly accessible criteria and periodic legislative briefings. Transparency is a safeguard that protects both judges and the public.

10.3 Role of Bar Councils in Appointment Oversight

Bar councils have long served as guardians of professional integrity within the legal community. Their role in judicial appointments is therefore not ornamental—it reflects a broader expectation that advocates, as frontline practitioners, possess unique insight into the competence and ethical standing of potential judges. Historically, bar associations around the world have been central to judicial oversight, offering evaluations that complement institutional perspectives (Gillman & Clayton, 2021). In Pakistan, bar councils already hold a constitutional seat in the Judicial Commission, but their influence remains limited.

Strengthening bar council involvement requires more than simply adding representatives; it requires equipping them with the authority, information and institutional backing to evaluate



candidates meaningfully. This might involve creating formal review committees, requiring written assessments or establishing channels for confidential feedback from the wider legal community. Studies show that when professional bodies participate actively in appointments, the system benefits from broader experiential knowledge (Vermeule, 2007). Advocates often observe judicial temperament, competence and ethics long before these qualities are formally evaluated.

A more engaged bar also promotes accountability. When bar councils act as watchdogs against nepotism or politicized appointments, they contribute to the system's moral legitimacy. Their participation can help ensure that diverse voices—gendered, regional, class-based and generational—inform the appointment process. As legal scholars emphasize, inclusivity and oversight go hand in hand; no single institution should monopolize the selection of judges (Hirschl, 2004). A more empowered bar council strengthens the entire justice system by ensuring that elevation to the bench reflects the collective values of the legal community.

10.4 Judicial Commission Reform Models

Reforming Pakistan's Judicial Commission requires learning from comparative experience. Many countries have confronted similar tensions between independence and accountability, and their reform journeys offer valuable insight. The United Kingdom's Judicial Appointments Commission, for example, was established to insulate appointments from political influence while maintaining transparency and merit-based evaluation (Gee et al., 2015). Its structured, criteria-driven process provides one model for balancing professional judgment with objective standards. Another model comes from South Africa, where the Judicial Service Commission incorporates members from the judiciary, legislature, executive and civil society. This pluralistic framework aims to reflect the diversity of the nation's population and professional community (Hoexter, 2012). While not without criticism, the South African model underscores the value of broad representation in judicial selection. It demonstrates that legitimacy increases when decision-making bodies mirror the society they serve.

New Zealand offers a third instructive example. Its appointment process emphasizes consultation and written assessments conducted in a structured, depoliticized environment (McLeay, 2011). New Zealand's system demonstrates that professionalism and transparency can coexist without bureaucratic overload. These international cases illustrate that Pakistan's Judicial Commission reforms need not reinvent the wheel; instead, they can selectively adapt proven approaches. Comparative learning provides a roadmap for building a modern, credible, and resilient appointment system.

11. Policy Recommendations

Policy recommendations gain their power from clarity, feasibility, and long-term vision. Pakistan's judicial appointment challenges cannot be resolved by symbolic gestures; they require targeted interventions that address both the symptoms and the root causes of political interference. This section lays out a balanced set of recommendations aimed at stabilizing the system in the short term and transforming it structurally over time. Effective reform must also honor constitutional boundaries while strengthening institutional norms that make fairness, merit, and accountability the standard rather than the exception.

A practical policy strategy begins with immediate measures that can reduce the most harmful effects of patronage. But for reform to be sustainable, these steps must evolve into long-term structural changes that reshape how judicial appointments are conceptualized and implemented.



Comparative evidence shows that countries with successful reforms tend to combine urgent remedial actions with deeper, systemic redesign (Ginsburg & Huq, 2018). Pakistan's situation calls for the same two-track approach.

The final element of this policy discussion addresses something even broader: the culture of justice. A system is only as strong as the values that animate it. For Pakistan, building a judiciary that is both merit-based and independent is not simply a bureaucratic exercise—it is a democratic commitment. Reforming the appointment process is ultimately about restoring dignity to the profession, confidence to the public, and integrity to the institutions responsible for upholding the rule of law.

11.1 Short-Term Corrective Measures

Short-term measures serve as stabilizers. They are not meant to overhaul the entire system overnight but rather to create immediate safeguards against continued non-merit appointments. One essential step involves publishing detailed appointment criteria for every judicial vacancy. This practice, common in jurisdictions such as the United Kingdom, reduces the influence of hidden networks by forcing transparency into the public domain (JAC, 2022). Even partial disclosure would narrow avenues for arbitrary decision-making in Pakistan.

Another short-term measure involves requiring written justification for every judicial nomination and elevation. These justifications, even if confidential, create a record against which future decisions can be assessed. Academic research shows that documentation requirements reduce opportunistic behavior by making decision-makers accountable to a paper trail (Waldron, 2016). If Pakistan's Judicial Commission operated with such documentation norms, political influence would face new friction and resistance.

Strengthening bar council feedback mechanisms is another immediate step. Advocates often have firsthand knowledge of a candidate's professional ethics and courtroom temperament. Ensuring that bar assessments are solicited, recorded, and weighed meaningfully can prevent unsuitable or politically driven nominees from advancing unchecked. Pakistan Bar Council reports already highlight repeated concerns about bypassed merit and inconsistent evaluation (Pakistan Bar Council, 2021). Incorporating these insights more systematically can produce immediate improvements without legislative delay.

11.2 Long-Term Structural Reforms

Long-term reforms are about rebuilding foundations—not just fixing leaks. Pakistan's judicial selection architecture requires a more coherent, depoliticized model that aligns with global best practices. One structural shift would be to redesign the Judicial Commission of Pakistan to include greater diversity of representation, including academic experts, civil society observers, and gender-balanced members. Comparative constitutional research shows that multi-stakeholder commissions reduce the risk of capture by any single power center (Malleon, 2016).

A second long-term reform involves enacting legislation that codifies objective, measurable judicial appointment criteria. Countries such as Canada and New Zealand have statutes that outline the skill sets, experience levels, and ethical standards required of judges (Deputy Judges Act, 1985; New Zealand Ministry of Justice, 2011). If Pakistan adopted a similar legislative model, merit could become a default expectation rather than a contested ideal. This structural shift would significantly weaken the space for arbitrary or political appointments.



Long-term reforms also require institutional investments in professional development. Judicial training academies should not be limited to newly appointed judges; they must also identify and cultivate future candidates across the bar. A judiciary that reflects society's full talent pool cannot emerge from informal mentorship networks alone. Scholars argue that training institutions are essential in bridging the gap between legal practice and judicial leadership (Sarkin, 2018). Building this infrastructure in Pakistan would modernize the profession and expand access to judicial pathways.

11.3 Building a Merit-Based, Independent Judiciary

Building a judiciary that genuinely reflects merit and independence is a generational project. It requires cultural change as much as procedural reform. The first dimension of this cultural shift involves redefining what judicial prestige means. In systems dominated by patronage, judicial office can become a symbol of proximity to power. A merit-based system, by contrast, frames judicial elevation as the culmination of skill, integrity, and sustained professional excellence. Scholars note that once a legal culture pivots toward merit, professional expectations realign and stronger ethical norms emerge (Shapiro, 2013).

Another pillar of an independent judiciary is freedom from political retaliation or reward. Judges must feel secure that their careers depend on performance rather than loyalty. This security encourages stronger reasoning, bolder jurisprudence, and more principled decision-making. Political scientists studying judicial behavior argue that independence produces more consistent interpretations of constitutional rights and greater public trust (Ferejohn & Kramer, 2002). Pakistan's courts could benefit profoundly from this normative shift.

Finally, cultivating a merit-based judiciary requires ongoing dialogue between the judiciary, bar councils, academia, and the public. An independent system does not function in isolation—it evolves through engagement with the society it serves. Open debates on judicial reform, transparent reporting practices, and annual review mechanisms can help sustain accountability. Over time, these practices reinforce the idea that the judiciary is a pillar of democracy rather than a product of political design. A merit-based judiciary is not just an institutional ideal; it is a national investment in justice.

12. Conclusion

Conclusions hold special weight in studies involving judicial systems because they distill not only academic findings but also societal realities. Pakistan's experience with political patronage and non-merit judicial appointments reflects a broader struggle between institutional ideals and political pressure. The arguments presented throughout this study illustrate how entrenched patronage affects advocates, undermines the independence of the courts, and erodes the public's faith in justice. The purpose of this section is to bring those strands together and point forward toward a more stable, accountable, and dignified judicial future.

Good conclusions do more than summarize. They help the reader understand the stakes of ignoring the problem—what happens to fairness, opportunity, and the rule of law when informal networks outweigh professional merit. They also anchor the reader in the possibility of reform, demonstrating that institutional decay is not irreversible. With the right policies and a shared commitment to integrity, judicial systems can regain their professional compass. This final section reflects that dual responsibility: to diagnose honestly and to imagine constructively.



A credible justice system is a cornerstone of democratic life, and its health determines how citizens understand fairness. The arguments presented in earlier chapters point to a simple reality: Pakistan's legal community deserves a system where appointments are earned, not arranged. The conclusion reinforces that aspiration and sets the stage for future academic and policy engagement.

12.1 Summary of Arguments

The study began by identifying how political patronage influences judicial appointments and weakens merit-based pathways for advocates seeking elevation. Historical analysis showed that Pakistan's appointment structures have gone through multiple constitutional shifts, but political influence has consistently found ways to adapt and persist. Scholars such as Newberg (1995) and Lau (2006) have long warned that institutional reforms without cultural change often fail to stabilize judicial independence. These patterns reappear across Pakistan's judicial history.

The analysis then traced how patronage networks shape decisions inside bar associations, judicial commissions, and political circles. Evidence demonstrated that non-merit appointments distort the professional landscape by sidelining competent advocates, distorting career pathways, and creating an environment where excellence competes poorly against connections. The work of Martin Shapiro (2013) and Ginsburg and Moustafa (2008) helped ground this argument in comparative judicial politics. Their research reinforces the idea that unchecked political influence threatens both legitimacy and performance.

Comparative perspectives from India, Bangladesh, the UK, Canada, and South Africa revealed that Pakistan is not alone in facing these challenges. However, the most successful systems—those that prize transparency, merit, and structured evaluation—offer real lessons for reform. The cumulative analysis across sections shows that Pakistan's judicial system is at a crossroads. Its current trajectory is unsustainable, but the pathways for a healthier future are clear and attainable.

12.2 Reclaiming Trust in the Justice System

Trust is the currency of justice. Without it, even the most sophisticated judicial structures lose their moral and constitutional authority. Public trust erodes when citizens see inconsistent decisions, politically aligned judgments, or appointments that appear predetermined rather than earned. Tyler's (2006) research on procedural justice emphasizes that trust grows not from outcomes but from fairness of process. Pakistan's judicial appointment process, as currently practiced, falls short of that standard.

Reclaiming trust requires a visible shift in how appointments are made and justified. Publishing clear criteria, inviting public scrutiny, and documenting selection decisions signal that the judiciary is accountable not only to itself but to the society it serves. International experience shows that transparency has a measurable impact on public confidence. Studies of the UK's Judicial Appointments Commission report significant increases in trust after transparent, merit-based procedures were adopted (Gee et al., 2015). Pakistan can benefit from adopting similar practices. Trust also depends on how the judiciary interacts with the legal profession. Advocates who feel excluded, marginalized, or unfairly overlooked will struggle to defend the legitimacy of the system. A judiciary built on merit and independence strengthens not just public trust but professional pride. In the long run, a system that treats advocates fairly contributes to a society that believes in justice—because justice is visibly practiced, not rhetorically promised.



12.3 The Future of the Legal Profession in Pakistan

The future of Pakistan's legal profession hinges on the creation of a judicial system that rewards skill, ethics, and service rather than proximity to influence. Young lawyers entering the field today are not merely pursuing careers; they are inheriting a legal culture that will shape their identity as professionals. If appointments remain unpredictable or politically conditioned, the next generation may become disillusioned or disengaged. Studies of professional motivation show that talent thrives when pathways are transparent and achievements are acknowledged (Lobel, 2010).

A merit-based judiciary also enhances the intellectual quality of legal practice. Strong judges push advocates to argue with greater precision, research more deeply, and engage more rigorously with legal doctrine. This academic and professional ecosystem strengthens the entire judicial landscape. As Hirschl (2004) argues, constitutional democracies grow more robust when courts embody intellectual diversity and professional excellence—traits that flourish in merit-driven systems.

Ultimately, the future of the legal profession in Pakistan depends on a cultural shift toward integrity and fairness. Such a shift will not occur overnight, but it begins with clear standards, institutional transparency, and collective commitment. Advocates, judges, bar councils, and policymakers must see themselves as custodians of a legacy that will outlast individual careers. A justice system grounded in merit is a promise to future generations that the law remains the great equalizer—not the privilege of the well-connected.

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