

The Impact of Political Interference on Judicial Independence

Thesis statement: Not only Judiciary but also its independence is essential for any state and society. So, any Political interference would certainly have undesirable consequences overall and that can only be avoided by taking proper measures.

Thesis statement should be direct and avoid too much writing

1. Introduction.

2. The Negative Impacts of Political Interference on Judicial Independence:

a) Social unrest due to law and order situation.
case in point: Bangladesh's protests - 2024

b) Increased gen-political tensions.
case in point: U.S.A vs UNSC on Palestine.

c) Loopholes in gender-based laws.
case in point: Nigeria.

d) Weak Political System and State.
case in point: Afghanistan.

e) Absence of Rule of law in a country.
case in point: India.

f) Violation of Human Rights law
case in point: Syria

g) Rise of terrorism.
case in point's Reference: "The lonely century".

h) Inefficient Bureaucracy.
case in point: India.

i) Brain Drain

reference: Pew Research Institute's Report

j) Blurred soft image of a country.

reference: North Korea's Report by The Telegraph.

k) Rusted economic rights and opportunities of minorities.

case in point: Syria.

3. The Considered Positive Impacts of Political Interference on Judicial Independence:

a) Increased Check and Balance on Judiciary.

rebuttal: Montesquieu's theory of Separation of Power.

4. Way Forward.

5. Conclusion.

Essay:

In a world, plagued with inequality, justice seems to be a distant dream and independence stands right on the corner. This political interference in worst case scenarios, and judicial interference in judicial work and on of this scenario. A state comprises of three most basic pillars: Executive, Legislature, and Judiciary. The all three of them are supposed to work independently and act as a check and balance on each other. Any interference from one or any other would disturb the equation of a state. All of them are as crucial for state as oxygen for humans. But not only Judiciary but also its independence is essential for any state and society. So, any political interference would certainly have undesirable consequences and that can only be avoided by taking proper measures.

Impacts of political interference on judicial independence includes both positive and negative impacts but the latter one takes the lead. To start, social unrest due to law and order situation created by political interference on judicial independence is reflecting the negative impact of it. Public distrust and followed by unrest is the gift of political interference and disturbed judicial independence. Bangladesh in 2024 witnessed the massive students protests over quota system allowed for particular beings and favoring some. The protests were over political interference on judicial independence as the law regarding quota system was approved and the judiciary was not able to satisfy the public — eventually leading to social unrest in society due to law and order situation fueled by political interference on judicial independence.

intensified

Secondly, ~~increased~~ geopolitical tensions of states is another undesirable consequence of political interference on judicial independence. States tend to pursue their so-called personal interests resulting in affecting others rights — the fundamental rights. The political gains achieved by influencing judiciary is the effect. United States of America in order to support Israel used his veto power against the right of self-determination of Palestinians^{in UNSC}. However, to support the blockage of aid (humanitarian) and for-gratifying the war crimes are the impacts of United States' political interference on judicial independence.

Thirdly, loop-holes in gender based laws can be the negative impact of political interference on judicial independence. Patriarchal societies are one example where loop holes is generally found. Authoritarian or theocracy also describes it the best. Some societies consider women as sub-ordinate and the target for inequalities — resulting in the containment of women from her basic fundamental right: justice — Nigeria gives the practical output to prove this notion. Having constitutional guarantee and support, yet it is one of the top most countries where constitution, law and judicial independence is divorced — Women of Nigeria faces severe issues due to the political interference on judicial independence. Hence, reflecting that political interference has negative impact on judicial independence.

Fourthly, weak political system and state is also the result of political interference on judicial independence. Weak political system refers to unequal representation of people, unfair

elections, political instability, and many more. Weak political state refers to compromised sovereignty directly. Weak political system becomes weak due to two primary reasons: judicial dependence and political interference in it, and inefficient governments. Afghanistan is one among those systems and states. Overthrowing the elected governments and Taliban taking over hints at weak political state. Recent political interference on judicial independence in Afghanistan is proved with the abbed fundamental rights of women. Afghan women are in humanitarian crises - said United Nations General Secretary - reflecting the negative impact of political interference on judicial independence.

Fifthly, absence of rule-of-law also copies the idea of political interference's negative impact on judicial independence. Rule-of-law refers to equality before law, no-one is above law and no-one is below it. Political interference can be seen on judicial independence, to appear above the law and avoid consequences of the aftermath of the violation of laws. India, the so-called democratic state failed to apply rule-of-law through the state. The Kolkata para-medical case is the example that shows the political interference on judicial independence. As the judiciary, ordered for the investigation (further), the best was done to avoid judicial orders and protect the real culprit associated with politics. This also proves the negative impact of political interference on judicial independence.

Sixthly, the prime impact of political interference on judicial independence is violation of Human Rights Law. It generally refers to basic fundamental right of every human being, provided naturally, irrespective of color, gender and creed. To achieve political interest or personal interests, of one, political interference can be seen anywhere. However, political/personal interests on the cost of others' fundamental achievement.

right has not been that easy in this contemporary world since the judiciary got independence. The interests remain the same but means to achieve them have changed. The political interference on stripping judicial powers is the modern way to achieve personal gains. Syria is the utmost instance to prove this notion. Right to life, fair-trial and others were decided not by judiciary but by the political leaders of Syria as mentioned by BBC. That proves the 'judicial underdevelopment and political interference' negative impacts.

Seventhly, the rise of extremism is also the impact of political interference on judicial independence. Extremism refers to any idea, notion, demonstration being pursued at extreme points. and it is generally observed that it is insurged as a result of something - Any result, decision, policy or statements can give rise to extremism. According to the book 'The Lonely Century', the author describes the extremism and its linkage with political interference impact on judicial independence - It is also further described that the rise of fascism is also the result of political interference on judicial independence.

Eightly, ^{plz write appropriate words} inefficient bureaucracy is the proved result of political interference on judicial independence. Inefficient bureaucracy includes the corrupt bureaucrats, ill-skilled bureaucrats, absence of computer literates, ^{absence of} relevant professionals and policy makers. Red-tapism is the most common idea among states where there is inefficient check and balance from judiciary and where there is political interference on judicial independence - restricting the judiciary not to take rigorous and solid actions. India is the top-most country where red-tapism is seen - proving the impacts of political interference on judicial independence.

Monthly, brain drain is also the negative impact of political interference on judicial independence. Brain drain is the idea of leaving the country by their educated and highly educated ones due to any reason. The prime reason generally considered is the absence of opportunities and protection of fundamental rights; both happen when there is political interference on judicial independence. According to survey conducted by Pew Research Institute, brain drain is common in countries where there is absence of judicial independence due to political interference. This shows the negative impacts of political interference on judicial independence.

Tentative, blurred soft image of the country is similarly the negative impact of political interference on judicial independence. The soft image of the country is essential for country's economy, development and alliances. The higher, the brighter the soft image of a state, the higher the foreign direct investment. It can be blurred, if the other states consider that their would not be any legal support in case of any unusuality - due to political interference in judicial work. North-Korea is one among many where there is political interference on judicial independence resulting in the damaged and blurred soft image of the country, as claimed by the report of 'the telegraph'.

Lastly, rusted economic rights and opportunities for minorities is another significant and negative impact of political interference on judicial independence. Opportunities be it either educational, technological, economics or legal or basic; it is the fundamental right guaranteed by states. Political interference would eventually sabotage minorities rights and opportunities due to personal gain's achievement. Syria's political interference on judicial independence hindered the way of opportunities and economic rights of Syrians - mentioned CNN.

~~Not only there are negative impacts of political interference on judicial independence, but some positive impacts are also considered of it. The main positive impact that is considered, is, the political interference on judicial independence would increase the check and balance on judiciary. Judiciary might over-step its boundaries, therefore, effective and increased check and balance in the form of political interference should be there. However, it is refuted by the 'Separation of Power Theory' of Montesquieu - clearly states that there should be separation of powers and no-interference in the work of any one of three pillars of the state. Any interference other than general check and balance, would have undesirable consequences overall.~~

~~To avoid the undesirable consequences of political interference on judicial independence, necessary and proper measures should be taken. On top of the measures there is, the establishment of strong institution. Strong institutions make sure that there is no interference in its sovereign and independent decisions. Efficient political leaders of a state also encourages the independence of judiciary that would eventually help the political leader to focus more on state affairs. The ensured and promoted separation of power would also enable to avoid undesirable consequences overall.~~

~~In a nutshell, every pillar of the state is inevitable for its progress, development and success. However, judiciary has significant importance as compared to others and so does, its independence. Political interference on judicial independence would have undesirable and dis-like consequences including~~

social unrest due to law and order situation, increased geo-political tensions, loopholes in gender-based laws, weak political system and state, absence of rule of law in a country, violation of human rights laws, rise of extremism, inefficient bureaucracy, brain drain, blurred soft image of a country, and curtailed economic rights and opportunities of minorities - Political interference on 'judicial independence' positive considered impact includes increased check and balance on judiciary but is refuted by separation of power theory. Proper measures including mandating separation of power, ^{establishment of} strong institutions, and efficient political leaders would certainly help in tackling the negative impacts of political interference on judicial independence.

I would be very very
grateful, if you kindly
give a detailed comment.
Thanking in advance.