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Impacts of political interference on Judicial Independence

Judicial independence is necessary for the prosperity of a state. The political interference in the judiciary, such as influencing judicial appointments and exerting pressure on judges, undermines judicial independence in Pakistan. This leads to turmoil, manifesting as a weakened rule of law and a loss of public trust in the judiciary.

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A government is the combination of three tiers: the legislative, the executive and the judiciary. While judiciary is meant to be the guardian of justice, political interference transfers it into a tool of oppression. Therefore, judicial independence is necessary for the prosperity of a state. The political interference in the judiciary, such as influencing judicial appointments and exerting pressure on judges, undermines judicial independence in Pakistan. This leads to turmoil manifesting as a weakened rule of law and a loss of public trust in the judiciary. The severe impacts of political interference are lack of accountability, increase in corruption, violation of constitutional principles and threats to the rights of marginalized classes. Further, loss of public trust, political

victimization, delayed justice and protection of political elites are the other impacts of political interference on judicial independence. Furthermore, it also undermines separation of power, delays electoral ~~justice~~ ^{etc}, effects economy and transishes the international reputation of a country. However, safeguarding judicial independence is of utmost importance to curb the impacts of political interference on judicial independence.

Judicial independence is the ability of the judiciary to function as a separate, impartial and autonomous branch of a government. This means that judiciary is independent when it performs independently from the legislature and executive. It should not be bound to them but protect the

sanctity of constitution. Further
 the judges should take decisions
 based on law and
 facts, not influenced by
 the political agendas
 or the external groups.
 Furthermore the judicial appoint-
 ments should be free
 from the political interference.
 In short, judicial independence
 is the free and fair judiciary
 from all the external influences.

Political interference
 is an emerging threat to
 the independence of judiciary.
 Politicians interfere in various
 manners in the judicial
 affairs. They interfere in the
 appointments of judges. The
 appointment of Chief Justice
 of Pakistan is done by
 a committee comprised of
 politicians. This affects the
 very process of fair judicial
 appointments, ~~and~~ the basis of

merit. Later, the appointment of top most senior judges by the political committee led to political vendetta. Further, politicians call for strikes and various forms of protests against the judgements which are not in their favor. This is another manifestation of the political interference. The political parties call for coming out to streets and starting civil disobeying movements in response to judgements against ~~the~~ them. In such cases the political interference in the judiciary become a threat.

The impacts of political interference on judiciary independence are very severe.

One of the impacts of political interference

on judicial independence is the weakening of the rule of law. Political interference in judiciary weakens the rule of law by creating imbalance of power and weakening the judiciary's role as a guardian of the constitutional and fundamental rights. The passing of 26th amendment is an example of this. The amendment curtails judicial powers, limiting the judiciary's ability to act as a check on the executive and legislative. As law are no longer enacted through free and fair process, the political interference weakens rule of law.

Lack of accountability is another impact of political interference on the judicial independence. Accountability is jeopardized

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with the increase in the political interference. As the judicial commission of Pakistan is politicized, it undermines the judicial accountability by resisting the scrutiny of judges. Further, the political interference in the judicial affairs also undermines the accountability by favoring political elites. The appointment of judges by political will are bound to favor those politicians. Example of this is the political cases in Pakistan. Judiciary and the National Accountability Bureau only inflict charges upon the opposition party; whereas the ruling party is free from any judicial indictment. Hence, political interference on judicial independence creates lack of accountability.

Following the negligible accountability, increase

in corruption is another impact of judicial subservience due to political interference.

The political interference ~~the~~ erodes the judicial structure which leads to the legitimization of corruption. The NRO cases are examples to the claim.

Corrupt political leaders were not held accountable by the judiciary. Such legitimization of corruption is another ~~case~~ impact of political interference on judiciary.

Further, violation of the constitutional principles is another impact of the political interference on the judicial independence. Judiciary is considered as the guardian of the constitution. However, the legislative bodies, by amendments like 26th constitutional amendment Act, decrease the power of

judiciary. In this way the authority to go of court to guard the constitution decreases. Further, By treating the political elites better than the common citizens is against the constitutional principles of Pakistan. Hence, the political interference on the judicial independence ~~act~~ impacts the constitution and violates the principles of constitution.

Furthermore, the political interference on the judicial independence threatens the rights of marginalized classes. Religious and ethnic minorities oftenly face this problem. Judiciary could not protect their rights due to political and religious pressure. For instance, Asia Bibi, a christian woman accused of blasphemy in 2009, highlights this issue. Despite questionable evidences against her, she was convicted and sentenced to

death due Blasphem in 2010. In 2018, the Supreme court acquitted her. This delay in the aforementioned case is an evidence to the threats to the rights of marginalized classes due to political interference on judicial independence.

Loss of public trust is another impact of the political interference on judicial independence. Due to delays in the judgement or not getting the fundamental rights, people have lost trust in judiciary. The political interference and pressure groups hails the judgements. Further the decisions of judiciary also leads to the loss of public trust. For instance, the disqualification of Nawaz Sharif in Panama leaks and the disqualification of Imran Khan in Toshakhana case led the public to loss trust in courts. In this way the

political interference in the judicial affairs accounts for the loss of trust in judicial independence.

Another impact of the political interference on judicial independence is the use of court for political victimization. Judiciary is used as a tool to victimize politicians. The judges appointed by the politicians use them against their political rivals. For example, the cases against Zulfikar Ali Bhutto in the 1970s and his eventual execution under judicial endorsement were criticized as politically motivated. In addition, the verdicts given in the Toshakhana case are also considered to be politically motivated verdicts.

Therefore, political victimization by the courts is also an impact of political interference on the judicial independence.

(Justice) Furthermore, delays in the high profile cases is also an impact of political interference. Judges are in constant pressure. They are unable to decide the cases of high-profile. These cases remain unsolved for decade. One such case was the case of the assassination of Benazir Bhutto. The prolonged litigation in the Benazir Bhutto assassination case (2007) revealed how political sensitivities delay justice. Thus, the political interference impacts the justice in the high profile case.

In addition, protection of political elites

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is also the impact of political interference on the judicial independence. Due to the political interference, the hearings of the political elites are adjourned to delay the judgment. An evident to this is the model case - loan case. This was an incident when the protesters of Pakistan Awami Tehreek had clashes with polices, in which almost 100 people were injured as a result of those clashes. Owing to the political pressure, the hearing was adjourned times and again. Further, the political elites even did not appear before the court due to political influence. This notable example explains the delay of justice due to political interference and undermining judicial independence in Pakistan.

Apart from protection of political elites, undermining the separation of power among the tiers of a government, among the is also an impact of the political interference. As the three tiers are independent, all both of them are performing separately. With the political interference in the judiciary, the judiciary fails to work independently. The imbalance of power is created. In such case, the legislative become more powerful and the executive stops enacting the court orders. For example, in Pakistan the appointment is based on political loyalty, rather than merit. This blurs the institutional boundaries and allows the executive to control judicial outcomes. Further the 26th amendment curtailed the judicial powers by giving parliament influence

over judicial appoints, significantly diminishing the judiciary's autonomy. In short, political interference on judicial independence impacts and undermines the separation of power among the three tiers of a government.

Besides, ^{delaying} electoral justice is also an impact of the political interference. In every term of election, certain disputes arise. These disputes are taken to the courts for justice. However the cases remain undecided for years. Similarly, in the 2018 and 2023 elections, ~~many~~ the results of many constituencies were challenged in the court. Despite passing years, the disputes are unresolved yet. Even more pathetic is the case when a candidate remains a member of legislative assemblies, and after two to

- three years, the verdict comes and ~~desert~~ ^{make} him. This happens either because of the political pressure of the judges or the appointment of

- those judges were on political will instead of merits.

Hence, due to political interference on the judicial independence, the electoral justice remains delayed. Moreover,

Moreover, the political interference also impacts the economy by creating the fear of uncertainty.

Fear of uncertainty in the government obstructs people to invest in Pakistan. People sign a contract before investing in a business. In the

state of political and judicial uncertainty where people have lost trust in judiciary and where the politics is uncertain, they

hesitate in investing in such situations due to fear of loss of money. This adds fuel to the fire by further worsening the weak economy of Pakistan. Further, the political pressure and interference in judiciary makes it difficult for other common people to get the timely rights. Therefore, political interference on judicial independence have impacts on the economy of Pakistan.

Last but not least, the political interference on judicial ^{independence} ~~interference~~ transishes country's international reputation. People lose hope in the politically motivated judiciary. The community hesitates in investing in Pakistan. This results in the low Foreign Direct Investment. Resultantly, the economy of Pakistan is becoming weaker. In addition,

-they, the international community is concerned about the judgements passed in the courts of Pakistan. In the case of Kulbhushan Jadhav, the International court of justice was concerned about the judicial system of Pakistan. They allegedly claimed that Pakistan's judiciary is politically influenced. Hence, country's bad image is one of the impact of political interference on judiciary.

To ensure judicial independence in Pakistan, several measures must be implemented.

First, a transparent and merit-based system for judicial appointments is crucial to prevent political manipulation. The formation of independent judicial commission can oversee appointments and promotions. Second, judicial tenure and financial autonomy should be ensured to eliminate

- The pressure from political actors last constitutional amendments limiting legislative overreach and executive influence on the judiciary must be enacted. These recommendations can collectively strengthen the judiciary's autonomy and uphold the rule of law.

To conclude, judicial independence is necessary for the prosperity of a state. It is the political interference in the affairs of judiciary which curtails its independence and led to turmoil. The consequences of the political interference include but are not limited to weak rule of law, poor accountability, corruption, disregarding constitutional principles, threats to rights of minorities and lack of public trust. It also impact the justice of high profile cases and protecting political elites.

Ghazi Paper