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Essay:

The Impact of Judicial Pol Interference on Judicial Independence:

Judiciary is one of the three important pillars of the state alongside Executive and Legislature. In a well functioning democracy, these three branches are given vast powers to govern a state whereas each branch is allowed to ^{work} independently in their own spheres without interfering in each other's work. In the light of the characteristics of democracy, the "Judiciary" must keep check on the "laws" and "activities" of the other two branches.

It is bound to strike down any such law which goes against constitution. When the "Judicial branch" of a state is able to interpret laws and take actions against them without ~~in~~ biasness and ^{not} being forced, it is said that "judicial independence" prevails in that state.

Pakistan has a long history where "judiciary" has been deprived of its independence and is used as tool for political interests at the hands of establishment and government.

① No example ^{of political interference in judiciary} can be more fitting than that of Pakistan where judiciary is often exploited such as by military dictators to legitimize their illegal rules, serving governments taking revenge on their opposition parties and its own highly respected judges making controversial decisions and extending their tenures. All of which makes one of the most important pillar of state to become distrustful and doubtful.

The political interference in judicial matters is quite visible in the recent amendments to ^{the} Constitution of Pakistan which was passed on 21 Oct, 2024. This move by the serving government came at a time when the Supreme Court ordered Election Commission of Pakistan to award the political party PTI its reserved seats and the party's position was restored.

Furthermore, the public announcement of 5 High Court judges accusing intelligence agencies further pushed the coalition government and establishment back foot and they passed this controversial amendment in haste, stripping judiciary off its independence.

Political interference in judicial independence will have serious repercussions on Pakistan in the course of time in shape of Impartiality in verdicts, loss of public trust in courts and overpowered executive branch of state etc.

The best way to explain interference of political entities in judicial matters is by explaining 26th amendment to Pakistani Constitution. Pakistan as a country has been ruled by military for major part of its history. Even during civilian tenure, establishment calls the shots backstage.

During those years, the judiciary was controlled and served their interests. Prior to 26th amendment, The apex court of Judiciary "Supreme Court" gave verdict in the favour of a banned political party PTI, restoring its position and awarding it the reserved seats.

This move was hailed by some as "independence of judiciary" but downgraded by the coalition government as it deprived them of the majority in the parliament. Therefore, it ~~was~~ ^{is} the first reason, this controversial amendment was passed through illegal means such as abducting and threatening the lawmakers to vote for the amendment.

The fears of executive to lose power over judiciary is not the only reason to solidify their hold on judicial matters by passing the controversial amendment, in about same time frame, six high court judges wrote letters to SC accusing intelligence agencies of meddling in affairs of judiciary.

This further exposed the fact that judicial independence is a myth in Pakistan. Furthermore, the raising voices of judges made the establishment realize the rising judicial independence in the country. So, it can also be taken as a reason for the executive to control

Judiciary and what is a better way than 26th amendment.

Other than executive's years and letters of six high court judges, the Pro-Judicial independence judge, Justice Mansoor Ali Shah was another hurdle in executive's control over judiciary, who was soon to become next Chief Justice of Pakistan after the then CJP Gazi Fiaz Isa. So, in order to block his ascent to the higher position, the 26th amendment was passed, which one of the article states that the appointment of CJP will be done by "Judicial Committee" which will be comprised of parliament members, having majority of those in serving government.

So, we can say these were some of the reasons which made the coalition government backed by establishment passed the controversial amendment to slit the throat of judicial independence in the country and stop the stolen mandate and fraudulent elections from being questioned by independent judiciary.

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M T W T F S

The impact of Political interference on judicial independence can long lasting and serious.

As the "Supreme Court" and "High Court" judges are no longer appointed ~~by~~ seniority bases but selected by a committee which is purely "Political", there are higher chances of injustices and verdicts based on manipulations and in favour of politicians (government). The Supreme Court is subservient to the executive.