

The Impact of Political Interference on Judicial Independence

Outline

① Introduction:

a- An Oxford graduate, a feudal lord and a charismatic leader - Zulfikar Ali Bhutto introduced Pakistan's third constitution in 1973 to restore the judiciary's independence. However, Bhutto's government had clashes with the judiciary. He wrote:

"[Dictatorship] is like prescribing punishments for adultery after raping the country; It is like saying that the Holy Quran is suspended, no one should escape the sunnah."

Given Pakistan's volatile political history, the significance of its supposedly autonomous institution, such as the judiciary becomes crucial in ensuring stability and upholding the rule of law.

In the light of current constitutional amendments related to the

Judiciary, the spirit of balance of power between the three branches of government has been disturbed. Political interference in Judiciary significantly hinders social, political and economic progress as seen in the history of Pakistan. Most governments are keen on finding a way to blunt the judicial weapon of accountability - hence, Pakistan has a large percentage of judiciary related constitutional amendments.

② The founding of Judiciary

2a - early years of judiciary.

2b - assassination of Liaquat Ali Khan.

2c - Molvi Tameezuddin case.

③ Judiciary's role as mentioned under the first constitution.

3a - General Ayub Khan and military interventions.

3b - Doctrine of necessity

3c - state vs Dosso case (1958)

④ Third constitution of Pakistan
 4a- Zulfikar Ali Bhutto vs the state (1979)
 4b- Death sentence turned unfair
 by CJP in 2024.

⑤ The Zia ul Haq era
 5a- Begum Nusrat Bhutto vs Chief of
 Army Staff (1977).
 5b- Over-arching control of military
 5c- pressure faced by courts.
 5d- Benazir bhutto vs Federation case
 (1988) and judiciary's active role.

⑥ Musharraf Era
 6a- lawyers movement.
~~6b- 2008, departure of~~
 6b- 2008, judiciary continued its independence
 6c- 2012, disqualification of P.M Yousuf
 Raza Gillani

⑦ Judiciary is not always on the receiving
 end
 7a- CJP, Saqib Nisar and disqualification
 of head member of PML-N.
 7b- Justice Umar Ata Bandial and

Signature _____



No. _____

Article 63 - A.

7c - The Supreme court upheld four unconstitutional acts.

⑧ Impacts of political interference

8a - immunity from accountability

8b - politically motivated decision making

8c - defection in system of checks and balances

⑨ Questioning credibility and authority

9a - ICI on 26th amendment

9b - mistrust and gap between public and governance

9c - rise of anti-state actors and activities

⑩ Conclusion: