

ESSAY.

The impact of political interference on judicial independence.

I Introduction:

II The impact of political interference on judicial independence.

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2. Weak judicial institution.

Case in study: Judges reported being forced and pressurized in 'reserved seats' case.

3. State plagued with political instability

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It took the world fair amount of time to agree on and adopt best form of government, that is democracy. As the famous french philosopher ^{Montaigne} laid the structure of such government in his works, it has been adopted by virtually all states in the world. Democracy should possess three branches, working independently of one another. If any branch overshadows the other, the repercussions would be evident. The independent working is a condition for smooth running of a state. Judiciary, being ^{one} of the branches, deserves independent environment to operate in. If it is interfered by any political force, the consequences would be disastrous. The most obvious repercussion would be weak judicial institution. This would beget political instability and struggling democracy. The superiority of constitution would also be compromised as judiciary is the branch that interprets laws. The implications would be far reaching impacting all aspects of a state. The economy of state would struggle and social rights of humans would be compromised. The implications of political interference on judicial independence would be disastrous and far reaching.

Every state has constitution in place to govern itself. The constitution in every state is superior to any law. In fact, it states the laws to be followed. The superiority of this constitution is compromised if political forces interfere in judiciary independence. Judiciary is handed with the task of interpreting laws of constitution. Interference of political forces in judicial independence can change the course of judicial action. This can undermine following of the constitution in spirit. Other more direct abandonment of superiority of constitution is abandoning the constitution itself. This can be exemplified through the historical event in Pakistan. In 'Dasso Case', despite the plaintiff appeal to decide the matter in favour of accordance of 1956 constitution, the request was denied. The judicial independence has been compromised by pressure from the establishment. This resulted in undermining the superiority of constitution.

The political forces ~~weakened~~ weakens the judicial institution. This is the most obvious and deadliest implication of political interference. The judiciary is made up from judges. Their

independence is foundational to the independence of judiciary. When they are being forced or pressurized, the decisions they take would actually be the decisions of involved political forces rather than being their own. The manifestation of this case is seen in Pakistan. Recently, the judges of higher judiciary have complained for being pressurized, even harassed.

In such cases, judges resigns or are forced to give up their independence and rule in favour of political forces. weak institutions are born from interference of other forces into judiciary.

The impacts of political interference in judiciary are far reaching. Perhaps one of the most deleterious and far reaching impact is political instability in the state. As mentioned, not just executive or legislative are significant for the proper functioning of the state but judiciary is important as well. It keeps check on both branches of government. The undue interference results in political instability. This point can be demonstrated by example of state of Pakistan. In Pakistan, no government has been able to complete its tenure

after 1973 constitution, except for the government of Bhutto. The overthrow of government was challenged by their respective leaders but they failed to get justice. The political interference has not enabled the judiciary to decide independently. It has remained contaminated and failed to provide justice to its subjects. This has caused political instability in the country. Such repercussion last quite long and prove disastrous for the country.

The judiciary is one of the pillar of democracy. The inefficient working of any one pillar does not allow democracy to flourish. The political interference in judicial matters forbids the democracy to prevail in country. Judicial is part of democracy and if any part is not functioning properly the end result can not be achieved. This case unfortunately has been apasent in Pakistan. Where democracy is struggling to this day. The roots can be traced back to Maulvi Tameez ud din case. Where the first constituent assembly was dissolved unjustly by governor general. The federal court ruled in favour of governor general.

The political influence in judiciary ignored democratic values and the independence of judiciary was ignored. To this day, the repercussions can be seen in the country. The independence of judiciary is hope for democracy. Compromising it, results in country free from democracy.

The implications are not just confined to political spheres but are manifested in other spheres as well. The economy of country also struggles if the judiciary is interfered or dependent.

In the famous book 'why nations fail' author argues that economic backwardness of country is owed to its weak institutions. The country cannot achieve success politically or economically, if it suffers from weak institutions.

The institutions bring order to the country, which is proper for functioning of every aspect of country. The economic policies function and progress better in countries with strong institutions as opposed to countries with weak institutions. Thus, dependent judiciary is deleterious for the economic development of a state as well.

One of the responsibilities of state is to establish rule of law in country and provide people with their rights. The most direct role of judiciary is to provide people with rights and uphold rule of law. The political interference undermines this very fundamental role of judiciary. The basic human rights are compromised if judiciary is not working independently. The political forces can interfere and decide the case in their favour as opposed to decision being made on just and fair basis.

The political forces in most cases are executive and their interference provide them with excess power over judiciary, weakening the overall structure of government. The judiciary's role becomes a mere puppet of executive and its role becomes nominal. The executive growing power dominate the judiciary in every aspect. The function of judiciary is controlled by executive. In some cases, the regime may become authoritarian if there is no branch to keep check on it and it is given opportunity to operate freely, without restriction.

Lastly, the interference in judicial matters results in weak administration.

The judiciary is the backbone of country as it keeps check and is flag bearer of human and fundamental rights. Absence of true judicial role weakens the overall administration.

This has been evident in history of Pakistan. It took many years to form and finally adopt the final constitution. Had judiciary being independent the matter would have been settled earlier and country had not witnessed military takeovers and other inefficiencies plaguing the country. The dependent judicial results in weak administration.

To sum up, the judiciary independence is vital for proper functioning of the country. The dependent judiciary can cause many deleterious effects. All contributing, directly or indirectly in the downfall of a state. Strong and independent judiciary is vital for success of a state and prosperity of its inhabitants.