

Essay:

Impact of Political Interference on Judicial Independence

Outline

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B- Impact of Political Interference on Judicial Independence

1- Weakening of separation of powers, among major pillars of state

2- Undermines rule of law and delivery of Selective Justice

3- Credibility of Judges affected, along with increased Judicial Incompetence.

4- Lack of accountability encourages corruption

5- Biased rulings and unfair trials.

6- Rise in Public discontent due to erosion of trust on institution

7- Politicized constitutional interpretation

8- Loss of democratic safeguards

9- Delay in Judicial reforms.

10- Politicization of legal processes, leads to legal instability

11- Diminished Judicial courage

12- Influence appointment of Judges, by compromising meritocracy basis

13- Judiciary's loss of autonomy in administrative affairs

14- Compromised Justice delivery in reference to fundamental rights.

15- Undermining international credibility of Judiciary

16- Disillusionment among legal professionals

C- Remedies to safeguard Judicial Independence

1- Merit-based Judicial appointment processes

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D- Conclusion.

Judicial Independence

An independent Judiciary is the crown jewel of any democracy, is statement of Justice Anthony Kennedy, which clearly depicts the significance of judiciary's independence. Political interference and pressure, negatively influence the autonomy of Judiciary and encroaches Judicial independence. Judicial Independence is one of the core values of any democratic state because it is inextricably linked with enforcement of fundamental rights and rule of law. However, this core value may be undermined by political interference, affecting its ability to make autonomous and lawful decisions without external pressures. Ultimately, political interference in judiciary erodes separation of powers which is vital for balanced and functioning democracy. Moreover, the political actors may pressure the judiciary to deliver selective justice. It affects the credibility of judges as well.

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It results into biased rulings and unfair trials. The worst impact of political interference on judiciary's independence is the erosion of public trust on one of the major institutions of state. Political pressurisation leads to politicized constitutional interpretations as well as loss of democratic safeguards. It is a fact to realize that political interference negatively impacts the independence of judiciary, by directly challenging foundational principles of Judicial independence and can lead to a judiciary that is compromised, inefficient and unable to uphold rule of law.

Political Interference in judicial independence affects the separation of powers, among three major pillars of state. It compromises the balance among branches, concentrating power in executive and legislative branches. As evidenced in 26th Amendment in constitution of Pakistan; the formation of Judicial Commission of Pakistan

enables the government and opposition members to participate in appointment of Judges. This provision enforces strong parliamentary check on Judiciary. It ultimately leads to the encroachment of powers by legislative and executive pillars. Thus, excessive and unchecked political interference affects the separation of powers and weakens judicial independence.

In addition to this, political interference undermines rule of law and plays part in selective justice delivery. It means that political interference disrupts Judiciary's ability to enforce laws equally, eroding principles of Justice and fairness. Strong political pressure actors force Judiciary to do verdicts in their regard, by neglecting the concept of Justice. It ultimately leads to undermining of rule of law. In 2007, Pervez Musharraf dismissed Chief Justice Iftikhar Muhammad Chaudhary, and this case is widely regarded

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as example of political interference in judicial process, which severely undermined rule of law.

It is proved by the fact that political interference imparts judicial independence by undermining rule of law and delivery of selective Justice.

Political interference affects the credibility of Judges as well as increases the Judicial incompetence of them. Politically driven and unqualified Judges compromise quality of judicial decisions, and often prioritize loyalty over competence. During lawyers movement in Pakistan, Chief Justice Iftikhar Chaudhary stated that Judges should not be seen as instruments of government or state, but as defenders of constitution and protectors of rights of citizens. Political interference diminishes the sanctity of judiciary and makes justice less credible. Thus, when judges get subjected to political pressures, their role as impartial decision makers is undermined, which

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affects the credibility and competence of Judges.

Furthermore, political interference motivates lack of accountability and increase in corruption. Pressure actors may manipulate judicial outcomes for personal gains. Lack of accountability of judges fosters corruption. Professor Tom Bingham quoted in his book "Rule of law" that A lack of Judicial independence and accountability can breed corruption, as judges become more willing to bow to political pressures rather than rule according to law. It means that Loss of accountability in judicial system can be inculcated by political interference, which indirectly leads to corruption. Hence, it is a fact that political patronization and interferences leads to breakdown of both credibility and accountability, resulting in judiciary that serves political interests rather than law. Thus, judicial independence gets undermined due to political interference in it,

which fosters corruption.

Similarly, political interference also result in biased rulings and unfair trials, affecting judicial independence heavily.

It means judicial independence is essential for ensuring trials conduct fairly and impartially.

A notable case where political interference led to biased rulings and unfair trials is the "Judicial crisis of 1997" in Pakistan, involving Chief Justice Sajjad Ali Shah and government of PM Nawaz Sharif. This conflict between executive and Judiciary revealed how political power can influence judicial system, distort justice and create environment where rule of law is severely compromised.

Thus, it is a fact that biased ruling is death of Justice, as it facilitates the powerful political groups, and unfair trials affect judicial autonomy and independence.