

## MOCK Exam English Essay

Topic # The impact of Political Interferences on Judicial Independence

### Outline

#### 1. Introduction

##### a. Topic sentence

##### b. HOOK

##### c. General statements / Background

##### d. Thesis statement: The political

interferences have threatened the autonomous role of judiciary, destabilizing democratic governance and rule of law in the country.

The judiciary has responded to these interference through instances of judicial activism and civil society initiatives that promote judicial independence, such as the lawyers' Movement in Pakistan. So there is an urgent need for strong protections to ensure judicial independence, bolster public trust in the judiciary and maintain democratic principles in the country.

#### 2. History of Political Interferences in Pakistan

##### a. Maulvi Tamizud Din's case 1955

##### b. Validation of Ayub Khan's Martial Law 1958

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### 3. Impacts of Political Interference on autonomy of Judiciary

#### a. Destructuring Democratic Governance

i. Martial Laws

ii-

#### b. Challenging Judicial Autonomy

i- Case of Judicial execution of

Zulfiqar Ali Bhutto

ii- Contempt of court cases

against Nawaz Sharif &

Benazir Bhutto 1990s

#### c. Threatening rule of law & Public trust

i- Civil military Bureacracy

#### d. Start of Judicial Activism

ii- Suo moto case of

CJ Ch. Iftikhar

#### e. The 26<sup>th</sup> Amendment of Constitution:

End of a two decade long

Judicial Activism

### 4. Solutions

#### a. Strengthening Judicial Independence

i. Separation of Powers

ii. Merit based Judicial Appointments

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b. Constitutional Safeguards

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c. Role of civil Society & Media Advocacy

d. Enhancing Public Trust

5. Conclusions

a. Thesis statement

b. Summary

Political interference has been a persistent challenge for the autonomous functioning of judiciary in Pakistan. As the French philosopher Montesquieu warned, "the intermingling of state power poses significant risks to the liberty of citizens, exposing them to arbitrary control." The judiciary, as a fundamental pillar of democratic governance, is entrusted with upholding the rule of law and protecting constitutional rights. However, in Pakistan, political influences have deeply affected judicial operations, compromising its independence and eroding public confidence. Historical cases, landmark rulings and constitutional developments — from the infamous *Maulvi Tanvir ul-Din* case (1955) to the judicial

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Execution of Zulfikar Ali Bhutto and recent events like the 26<sup>th</sup> Constitutional Amendment — illustrates the extent and nature of political interference. This interference often rationalized through the contentious Doctrine of Necessity, has destabilized democratic governance, weakened the rule of law and undermined judicial autonomy. Despite the instances of judicial activism and initiatives like the Lawyers Movement, ensuring judicial independence requires robust protections and reforms to restore public trust and uphold democratic principles.

The history of political interference in Pakistan's judiciary reveals a troubling pattern of undermining its autonomy to serve political interests. A defining moment came with the Maulvi Tamiz ud Din case (1955), whereby judiciary validated the Governor General's dismissal of the Constituent Assembly. This landmark case set a dangerous precedent by prioritizing executive authority over constitutional supremacy, signaling the judiciary's vulnerability to political manipulation.

Another significant instance was the validation of Ayub Khan's Martial Law 1958 under the doctrine of Necessity.

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The judiciary's endorsement of Ayub's unconstitutional regime marked a turning point, as it legitimized the suspension of democratic processes and established a pattern of judicial acquiescence to military interventions. These early cases laid the ground-work for future political interferences and civil-military bureaucracy regime, eroding the judiciary's credibility and independence.

Political interference in judiciary has severely undermined democratic governance in Pakistan. The imposition of martial laws by military rulers, often validated by the judiciary, disrupted civilian rule and eroded democratic institutions. For instance, judiciary's endorsement of martial laws under Ayub, Ziaulhaq and Musharraf allowed military regime to consolidate power, bypassing constitutional safeguards. This cycle of political influence weakened governance, institutional integrity and public trust in democratic process. Due to such politicization of judiciary, ~~Poor to~~ poor governance is the consequence when courts prioritize political interest over justice, they fail to hold corrupt officials accountable, enabling bad governance and perpetuating a culture

of impunity. This further erodes public confidence in judiciary as a neutral arbiter of justice.

Political interference directly challenges the judiciary's independence. The judicial execution of Murtaza Bhutto 1979 under General Zia ul Haq's regime is a glaring example. The Supreme Court's politically influenced verdict in Bhutto's trial reflected the judiciary's subservience to authoritarian rule, raising questions about its ability to function autonomously.

In 90s, contempt of court cases against political leaders like Nawaz Sharif and Benazir Bhutto, politically motivated trials during period of ~~instability~~ military-backed dictatorship, judiciary played an ~~important~~ <sup>implicit</sup> role in manipulation of judiciary. It was used as a tool to discredit and weaken democracy rather than ensuring justice, highlighting judiciary's susceptibility to political pressures.

The history of civilian-military bureaucracy and its role in undermining the justice system has ended the rule of law and public trust, disrupting social order and creating a perception of bias and partiality.

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Due to decades of politicisation of judiciary, resulted in judicial activism emerged as a response to political interference. Under the leadership of chief of justice Iftakhar Chaudry, the judiciary took proactive measures to avert its independence through suo moto notices. Some of the key case include the missing person's case, steel mills privatization case, Baluchistan law & order case etc. This was followed by other CJs of the Supreme Court up till 2022. Another example of the judicial activism is the lawyers' movement, when Gen Pervez Musharraf's suspended Chief Justice Iftikhar Chaudry in 2007, lawyers started a movement against this attempt to subvert independent judiciary.

All this historic incidents led to the controversial overnight <sup>26<sup>th</sup></sup> constitution amendment, which was celebrated by many as they believed judiciary has backed the rule of establishment in the country. Critics argued that these

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amendments which withdrew Supreme Court's *suo moto* powers, would curtail judicial activism, limiting judiciary's ability to hold political and executive authorities accountable. These amendments also allowed prime minister to nominate the next chief justice from among the three most senior judges from Supreme Court. This highlights the executive over-reach in judicial matters. These developments have underscored the ongoing tension between judicial autonomy and political control in Pakistan's governance framework.

To safeguard judicial autonomy, it is essential to establish merit-based mechanism for judicial appointments, free from political influence, Amending the constitution to protect judicial independence, a clear separation of power between all three and the role of civil society and media creating pressure for reform and accountability. To enhance public trust, judicial outreach programmes, judicial review and *suo moto* notices like that in case of missing persons, fostered the People's trust in justice.



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Judicial Independence is the cornerstone of democratic governance, ensuring rule of law and protecting citizens' rights. However, political interference has undermined judicial autonomy, destabilizing democratic processes and eroding public trust. Addressing these issues requires robust reform, merit-based appointments, constitutional safeguards and public awareness initiatives. Civil society, media and judiciary must collaborate to ensure judicial independence is upheld as a cornerstone of democracy in Pakistan. Only through such efforts can the judiciary fulfill its role as impartial and autonomous guardian of justice, restoring public confidence and strengthening democratic principles.