

The Impact of Political Interference of Judicial Independence.

Outline:

1 - Introduction:

a) Attention Grabber / Hook

b) General Statement

c) Thesis Statement: Judicial

Independence is not an issue

for of Western countries rather

it is a Third world problem-

Pakistan is one of them. Impact

of political interference results

in subordination of Judiciary to

executive and military, instability

and unpredictability of legal

system, lack of public trust,

and it challenges in accountability

and prosecution of minorities

due to political ~~instability~~

interference-

2 - Impacts of Political Interference on Judicial Independence.

i - Historical Context

a) Colonial legacy

b) 'Doctrine of necessity' to give legal cover to unconstitutional acts -

c) Judicial and Major Milestones -

ii - Frequent subordination of Judiciary. ~~to~~

a) subordination of Executive -

b) Use as tool against politicians especially Opposition -

c) surrender of power to Military -

iii - Declining legal system.

a) Unpredictability and instability

b) Erosion of Constitutional rights

c) Frequent Disruptions -

iv- Declining Public Confidence and disillusionment -

a) Backlog of Cases

b) Lack of Accountability

c) Due to siding with military and politicians -

d) Violation of Human Rights

v- Prosecution of Minorities.

a) Marginalizing the minorities.

b) Judgements especially of lower courts in alleged blasphemy cases -

c) Curb to the pressure by Islamic clerics and political parties -

vi- Pushback from judiciary for Autonomy.

a) Lawyer Movements

b) Reinstatement of Judges

vii- Contemporary Challenges To Judiciary -

a) Curb the power of *suo moto* -

b) Limited the Authority of
Chief Justice -

c) Appointment of Judges
in the hands of Ruling
Party -

3 - Conclusion:

Summary of the ideas
presented -

'Removal of Chief Justice of Pakistan, Justice Chaudhry Iftikhar', by then President Pervez Musharraf is one of watershed moment in history of Pakistan which resulted in 'Lawyer Movement' for independence of Judiciary.

Independence of Judiciary is not an issues of western world but rather its is a Third world country - Pakistan is one of them - Pakistan has suffered significantly by both the political and military intervention in Judicial system - It effects the judicial system by eroding the judicial autonomy, declin^{ing} the legal system, marginalizing the already vulnerable communities like

Christians and Ahmadis,
and limiting the
judicial power by
recent amendments in
constitution of Pakistan.

Pakistan has derived the
foundation of its legal
system from Colonial
British era - Although British
legal system's central
principle is based on Right
to the fair trial - But:
they ~~past~~ passed various law
in British India to suppress
and quell the protests and
demonstrations. Some of
these laws are still part
of legal system including
Article 144; ban on public
gathering and ~~the~~ ~~the~~ maintaining
public order. ~~the~~ ~~has~~ ~~been~~

~~used~~ Moreover, another event of Past is Judgement of Justice Munir in the case of 'Federation of Pakistan vs Maulvi Tameez ul din' - Justice Munir ~~overturned~~ overruled the Judgement of Sindh High Court and decide in the favor of Governor General Ghulam Muhammad in dissolution of first constituent assembly -

One of the major impact of Political Interference is the subordination of Judiciary in the hand of Executive and Military. Military had been exploiting judiciary for the legal cover to unconstitutional acts - Pakistan had ~~been~~ ~~suffered~~

survived ~~and~~ few martial laws. Dictators always use military to justify these acts including abeyance of constitution by Zia-ul-Haq. Decision of Justice Munnir in favour of Assembly dissolution - Another ~~blame~~ ~~an~~ accusation ~~of~~ courts is that they have been used for political victimization - Political party of former Prime Minister, Nawaz Sharif, accused Chief Justice Saqib Nisar for his decision on Lifetime Disqualification of former Premiership. In recent history, a political party was derived from their election symbol

because they failed to hold ~~the~~ intra party elections in accordance with their own constitution - They ~~are~~ blamed then Chief Justice Qazi Faiz of Political victimization -

In addition to political victimization, declining of legal system is another impact of political interference - Change in ~~to~~ governments ^{whether} through elections, military coup or even by vote of no confidence and shift in policy has always ~~put~~ put judiciary in fickle - ~~Judiciary~~ Judiciary favors the political party in power and used against the opposition - It weakened

The judiciary role as check on executive power - and Judiciary often changes loyalties and priorities, results in unpredictability and instability -

It is not only declining the legal system but also increasing disillusionment of public - Due to the number of ~~consti~~ cases for interpretation of constitution and other political cases, there is a huge backlog of cases - Besides this lack of accountability and sense of impunity in the elite class has result in decline in public confidence in Judiciary -

In recent past, an incident of carsaz is classical example of sense of impunity.

On the day, when Prime Minister, Shahbaz Sharif, were to be indicted in corruption

charges he became prime Minister - His ~~to~~ coalition government passed legislation

and charges against his were dropped - Human Right violations are happening

in country with no one to be held accountable -

In every government,

victimization of opposition

party is permanent - Neither

laws were passed in this

regard nor supreme court

~~it~~ took up these cases, as

these were the cases of

public interests.

In a five-page note, Chief Justice Yahya Afridi underscored how the politically charged climate of the time disrupted judicial independence, leading to far-reaching impacts on public confidence in judiciary - Pakistan's Chief Justice Yahya Afridi has raised serious concerns over violations of due process and judicial impartiality in the trial and execution of former Prime Minister Zulfikar Ali Bhutto, describing it as a "regrettable chapter" in the country's history -

Another problem is the marginalizing of minorities like Christians and Ahmadis. These groups are already vulnerable group of society, always at threat by Islamic fundamentalist political parties and clerics. For instance, capital punishment judgement in the case of Asia Bibi in lower courts and upheld by Lahore High court show that the courts caved to the pressure by clerics and political intervention.

Contemporary challenges faced by judiciary is was.

~~The~~ reso in the form
of 26th ammendments
in the constitution -

Also known as judicial
package. Although there
are some good points in
the 26th amendment.

Opposition did not shy
away from calling

it 'black legislation' to curb

the power of judiciary -

Suo Moto power of

Apex court was taken

away - It also limited

the authority of Chief

justice of Pakistan -

Now Judges appointment is

also in the hand of

Government -

~~Pa~~ Despite extensive political
interference, Pakistan's

Judiciary has also seen ~~the~~ moments of resurgence in fight for its autonomy. The 'lawyer's movement' which successfully reinstated Chief Justice Chaudhry, ~~was~~ marked high water mark in Judiciary effort to assert its independence - Political interference in the judiciary has profound implications for Pakistan, weakening the rule of law and democratic foundations - Strengthening safeguards to protect judicial independence and restoring public trust is essential for the long-term stability of ~~the~~ country's democratic institution -