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# The Impact of Political Interference on Judicial Independence

## Outline

### A Introduction:

### B Definition of Judicial Independence and Political interference:

↳ either direct or indirect Political interference

### C National Impact:

#### 1) Erosion of Public Trust;

1.1) Loss of Confidence due to biasness

1.2) Judicial delay

#### 2) Undermining the rule of law;

2.1) Selective Justice

2.2) Erosion of Judicial autonomy  
with an example from the book  
"Lord Bingham rule of Law"

#### 3) Intimidation of Judges;

3.1) Physical force

3.2) Psychological chilling effect on  
Judges

3.3) Professional intimidation with  
reference from Ajitkumar Chudary  
(IJFMR)

#### 4) Impartial decision-making

4.1) Politically influenced Judicial  
decisions

4.2) Undermining Check and Balance  
with example from Judiciary of USA

#### 5) Human Rights Abuse;

5.1) Violation of basic human rights

5.2) Marginalization of minorities.

## 6) Economic Consequences

6.1) Detering of foreign investors.

6.2) Hinder economic growth.

## 7) Corruption and Nepotism;

7.1) Appointment of Judges

7.2) Bribery, extortion among the Judiciary.

7.3) Safeguard of Corruption.

## 1) International Consequences:

1) Country Reputation of Judicial System

2) International Cooperation of different countries and Organizations

3) Global Governance

## E Case Studies:

1) Judicial independence of Pakistan, India and Turkey.

2) Judicial Independence from West (USA, Poland, Hungary)

## F Recommendations:

1) Checks and balance

2) Transparency

3) Judicial activism explaining with an example from PIL in India.

## G Conclusion:

### The Essay

U.S. President John Adams once said, "The dignity and stability of government in all its branches, the morals of the people, and every blessing of society depend so much upon an upright and

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skillful administration of justice." It is the core duty of Judiciary that serves as a fundamental pillar of democratic governance, designed to function independently while protecting the rule of law and upholding constitutional rights. But, when this independent judiciary is interfered by politicians or other powerful group it destroy the dignity of judiciary and the nation. Political interference in Judiciary result in failing of nation. It result in trust deficit of public on judiciary, corruption, rising the crimes and disturb the overall flow of governance. ~~Point~~ This essay explores ~~the~~ the impact of political interference on judicial independence alike trust deficit, undermining the rule of law, intimidation of judges, impartial decisions, Human rights abuse, corruption and nepotism at national level. Intentionally it destroy the reputation of Judiciary. Therefore, necessary recommendation must be taken to stop this interference of Politicians in Judiciary. As the former U.S Supreme Court Justice Robert Jackson famously said "It is the function of the courts to render justice according to law, and not according to public opinion".

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Judicial independence refers to the ability of judges to make decisions free from external influence of politician or other powerful groups. It requires the free and fair decision of court according to law and everyone is treated same under law. Where, Political interference refers to the influence of politicians over the judges and judiciary system. It may be direct interference or indirect interference. "The direct" means the direct involvement of politicians in decision making. They influence the decision-making process through power, money or other means, but this is a risky way to interfere because public can also interfere after the decision through protests and petitions. Where, "The indirect interference" means interfering in the judicial system by making propagandas to defame or remove the judge or interfering in the appointment of judges. The ultimate result of both type of interference have impacts on Judicial independence and dignity.

The first and foremost impact of political interference on Judicial independence is erosion

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of public trust. Independent judiciary is the foundation of fair and lawful decision, but when it is politically interfered, people lose confidence on judicial system. They feel insecure about the justice. They do not trust the judiciary for fair trials and decision. People start to look for the alternate and start resolving their issue by themselves. They also start violating ~~and~~ the law and start taking law in their hands as a result the crime ratio also increases. The judicial delay in the law provision can also result in the ~~trust~~ trust deficit of public. This result in the decline of the dignity of judicial system.

Secondly, the undermining the rule of law is another drastic impact of political interference on judicial independence. Judiciary is compelled for selective justice by powerful groups. People use court for favoritism. They let the court decides on biasness of justice. The judicial system just remain as a puppet of powerful authority. This also leads to erosion of judicial

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autonomy. The appointment and removal of judges by political interference raised concern over the diminishing of the autonomy of the judges. As a result these judges can't state prevail the rule of law, but the public opinion. As the powerful people let's the decision as they want. Sir Thomas Bingham stated in his book "The Rule of Law" that "the rule of law requires that judges must be independent of the executive branch and legislature, and free from political influence."

Third impact on the judicial independence by political interference is Intimidation of Judges: Politicians sometimes physically intimidate the judges for having decision in their favour. They torture the judge or threaten them or their family for having decision whatever they want. Sometime judges may become hesitant to issue ruling against powerful political actors for fear of reprisal, such as removal from office or reducing funds. This psychological chilling effect limits their independence to make decision. The professional intimidation of chief justice

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Iftikhar Chuday by the president of Pakistan reported by International Journal for multidisciplinary Research (IJFMR) is best example of professional intimidation by political interference.

Fourthly, the impartial decision making is another bloom of impacts of political interference. Political agendas influenced judges to make decisions that align with the ruling party's interests rather than law. This weakens the judiciary's role as an impartial arbiter and reduce its capacity to safeguard the law. Political interference also undermines the check and balance of judiciary on other institutions. As the judiciary functions as a watchdog on executive and legislature is badly effected. The US judiciary is a watchdog on president and congress and has the power to null and void any bill or law that is countering the human rights or constitution.

But, when this judiciary is under the influence of a political interference and cannot even safeguard the civil law.

Another promising impact of the political interference on

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Judicial independence is the Abuse of Human rights. Judiciary functions as a protector of the basic human rights. But, when the decision of this Judiciary is influenced by powerful political agendas they lose not only their dignity but also the public trust. Politically influenced courts may fail to protect basic human rights, particularly when ruling on cases involving political dissent, freedom of expression or minority groups. When judiciary is not independent, it can be used as a tool to persecute political opponents and bend the basic human rights. Marginalization of minorities specially on religious bases is promptly violated by judiciary on powerful influences. The current situation of Pakistan where the court under the influence of executive remained silent on the violation of human rights, freedom of speech and freedom of protests. The court remain silent on the political murders of the protestants of opposition party.

Last but not the least Corruption and Nepotism not only in the country but in the judicial



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system as well as a drastic impact of the political influence. The powerful political leader appoint the and remove the judges based on their political affiliation. These judges never go against the will of these politicians. Also bribery and corruption within the judicial system result in bias decision. These judges even cannot go against the powerful authority. They also safeguard the corruption and violation of law by these politicians. The politician when ever base a case, the judges ruling is always in the favour of ruling party. Sometimes the judges just dictated the decision made by the victim itself in their home. All these factors are the result of the political interference on judicial independence. As a result the justice, the constitution and the country lost their dignity and prestige.

Internationally, the impacts of political influence on judiciary is much more harmful. It is directly related to the image of the that country. Judiciary ranking of a

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country by world justice project indicate the justice system of a country. where bad ranking is moment of national disrespect.

Countries with poor justice system face sever consequences in their representation in international

organization. Pakistan ranked on 124 out of 139 countries by a report of world justice project "Rule of law index 2021".

A compromised judiciary can damage a country's international reputation, making it difficult to attract investor in international organizations.

Political interference in the judiciary can hinder international cooperation,

as other countries may be hesitant to cooperate with country that has a compromised judiciary. It also

undermine the global governance, as other countries less likely to adhere to international laws and norms.

A Case study from Pakistan, India and Turkey have show the impact of political interference on judicial independence here.

In Pakistan many times the independence of judiciary was restricted by politicians and military coup. In the coups

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a provisional Constitutional order (PCO) was to be signed by the service judges to take fresh oath under PCO that strengthened the powerful military regime. It is published in a research paper by researchgate.net.

In 2011, Mamogate Scandle is scandle involving a memo written allegedly by a Pakistani Ambassador to U.S government, highlighted the government's attempts to influence the judiciary. In india the appointment of judges become increasingly politicized, with politician oftenly seeking to appoint judges who share their ideological views. This happens particularly in the previous term of current P.M Modi. In Turkey after 2016 attempted Coup, turkish government purged thousand of judges and prosecutors, accusing them of being linked to the coup. E.U show concerns about the purge, stating that it undermine the judiciary. It stated by EU parliament.

The judiciary is also interferred by the powerful politician. In westren countries. In Poland, the Ruling law and justice party has implemented judicial reforms. This included the appointment and dismissal of judges by

a political control system. It is criticized by E.U. parliament that is threatened the rule of law and judicial independence in Poland. The same happens in Hungary in 2012. The government of Viktor Orban had made some constitutional amendments and took control of judicial system. In the world most powerful country USA base the allegation of partisan bias in the appointment of supreme court judges have raised concern about the politicization of the judiciary, although the judiciary continues to function with significant independence overall. The best example of independence judiciary of US is the Marbury v. Madison case 1803, where Supreme court use the power of judicial review to declare the congress act unconstitutional.

To avoid such impacts of the political interference on judicial independence, some preventive measure must be taken. Firstly, check and balance on the institution like executive, legislative and judiciary will avoid the supremacy of any one of them. Each should work in cooperation

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with others. Secondly, Transparency in the appointment and removal of judges and the trials ruling by judiciary. The appointment must be done constitutionally, not on personal like and dislikes. The undergoing trials on camera will avoid the black decision made behind close doors. Thirdly, Judicial activism must be viewed as the judiciary's effort to reaffirm its role in protecting constitution and civil rights when executive or legislature fails to act. The Indian judiciary has frequently adopted it, particularly through Public Interest Litigation (PIL). There are more to adopt, but, by adopting these measure the dignity and prestige of the judiciary can be safeguarded.

To conclude, the menacing impact of the political influence on the judicial system has compromised the dignity on judiciary. As a result people lost their trust, the rule of law is undermined, decision became impatrid, human rights were violated and Corruption reached to its peak. Examples from Eastern countries like Pakistan, India and western countries like Hungary, Poland and USA highlight the

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going challenges faced by the judiciary in maintaining its independency. Thus, it is essential to take measure to safeguard the judiciary from political interference to protect the basic human rights and constitutional rights to prevail the rule of law. To bring every one under law and to restore, what we lost, humanity. The famous american political scientist and writer "Francis Fukuyama" quoted "The rule of law is essential for economic growth, social stability, prosperity, dignity and human flourishing".

