

Date: _____

Day: _____

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:

Main heading should be derived directly from the topic.

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"

Unrelated to the heading

3) Intimidation of Judges:

3.1) Physical force

3.2) Psychological chilling effect on Judges

3.3) Professional intimidation with reference from *Spinkhar Chudary (IJFMR)*

What do these points indicate? Are these points in paragraph or are these paragraphs? If they are all point of one paragraph then your paragraph lack unity of idea.

4) Impartial decision-making

4.1) Politically influenced Judicial decisions

How does that impact the independence

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.

Date: _____

Day: _____

This is a completely irrelevant and unstructured outline. The examiner is not going to read your essay beyond this point. Basic grammar and structure is being evaluated.

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.~~

D) International Consequences:

- 1) Country Reputation of Judicial System
- 2) International Cooperation of different countries and Organizations
- 3) Global Governance

These are not consequences on judicial independence.

E) Case Studies:

- 1) Judicial independence of Pakistan, India and Turkey.
- 2) Judicial Independence from West (USA, Poland, Hungary)

Case studies should be used as example within the paragraph

F) Recommendations:

- 1) Checks and balance
- 2) Transparency
- 3) Judicial activism explaining with an example from PIL in India

Phrase these as suggestions

No one worded headings in the outline

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

Date: _____

Irrelevant to the context.
Make it specific to the given context.

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 falling of nation. It result in trust deficit of public on judiciary, corruption, rising the crimes and disturb the overall flow of governance. ~~This essay explores 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".

Sentence structure

Don't start a sentence with "but" or "and"

Not asked. Only impacts on judicial independence are asked.

Don't address the Writing

Don't list all the point in one sentence.

No proper structure to Introduction

Quotation or statistics only at the beginning of introduction. None in the middle.

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

Sentence structure

under law. Where, Political interference refers to the influence of politicians over the judges and ~~judicial system~~ ~~in~~ ~~judicial~~ 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

Unnecessary detail

~~way to interfere because public~~ can also interfere after the decision through protests and sit-ins. 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

Date:

That is an impact on judiciary not on judicial independence

of public ~~trust~~. Independent judiciary is the foundation of fair and lawful decision, but when it is politically interpend, 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 this issue by themselves. They also start violating 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 ~~least~~ trust deficit of public. This result in the decline of the dignity of judicial system

Secondly, the undermining the rule of law is a ~~drastic~~ impact of political interference on judicial independence. Judiciary is ~~competed~~ for selective justice by powerful groups. People use court for ~~favortism~~. 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

Deviates from the argument.

Instead argue how political interference impacts judicial independence.

No argumentation
No analysis.

No relevance to the Topic

Not an impact of judicial independence. It's an impact on state or governance

You are discussing how they influence judiciary not the impact it has on judicial independence

Date: _____

Day: _____

How?

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".

Two separate arguments

Irrelevant

Concluding sentence

Don't number the paragraphs

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

You are discussing the means of interference not the impact on judicial independence

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

Concluding sentence

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.

Partial

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.

Deviates from the argument.

Multiple arguments in a single paragraph

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

Date: _____

Day: _____

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 lost 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

Not an impact on judicial independence

Date: _____

Day: _____

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 a case, the judges 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.

Not an impact on judicial independence

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

Date: _____

Day: _____

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.

Irrelevant

Not an impact on judicial independence

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

Date: _____

Day: _____

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 a 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.

No point in the paragraph.

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

Date: _____

Day: _____

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 measures 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 Hungry, Poland and USA highlight the

Incoherent

Don't merge all the solutions in a single paragraph.

No examples in conclusion

Date: _____

Day: _____

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."



General guideline.

Maintain the tone of the topic

Answer the asked part

Pay attention to the tense on the topic and the given keywords

Follow the outline exactly as it is

Provide substantial research backed evidence.

Use formal language always

No use of 1st and 2nd person pronouns.

Maintain unity of idea in a single paragraph.