

Essay:

## Impact of Political Interference on Judicial Independence

### Outline

A- Introduction

B- Impact of Political Interference on Judicial Independence

1- Weakening of separation of powers, a long major pillar 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 in institution

7- Politicized constitutional interpretation

8- Loss of democratic safeguards

9- Delay in Judicial reforms.

10- Politicization of legal processes, leads to legal instability.

Outline is fine but essay is not compatible with essay

11- Diminished Judicial courage.

12- Influence appointment of Judges, b compromising meritocracy basis

13- Judiciary's loss of autonomy in administrative affairs

14- Compromised Justice delivery in reference to fundamental rights.

Relevant Well organised

15- Undermining international credibility of Judiciary

16- Disillusionment among legal professionals

C- Remedies to safeguard Judicial Independence

1- Merit-based Judicial appointment processes

2- Ensure separation of Power

3- Financial Independence

4- Constitutional and legal safeguards.

D- Conclusion.

## Judicial Independence

An independent Judiciary  
Every nation

is a 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.

Avoid writing in passive

However, this core value may be eroded 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.

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 pressurization 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 fundamental 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 ineffective justice delivery. It means that political interference disrupts Judiciary's ability to enforce laws equally, eroding principles of Justice and fairness. Strong political pressure affects judges 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

:65

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 citizen. Political interference diminishes the sanctity of judiciary and makes justice less credible. Thus, if judges get subjected to political pressure, their role as impartial decision makers is undermined, which

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 is undermined due to political interference. It,

which fosters corruption.

Similarly, political interference  
Also results into  
also results into unfair  
trials, affecting judicial independence heavily.

It means judicial independence is essential  
for ensuring trials conducted 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.