

DATE: ___/___/___

The impact of political interference on judicial independence

Outlines:

9/100

- 1- Introduction
- 2- Politization of Judiciary:
 - (a) Appointment of Judges & removal
 - (b) passing laws of their interest
 - (c) undermining the impartiality of Judiciary
 - (d) Interference in the matters of Judiciary Jurisdiction
 - (e) controlling the Judiciary budget

Not asked

- 3- How Impacting on the Independence of the Judiciary **Sentence structure**
 - (a) Impacting Human Rights provision
 - (b) Diminishing the transparency & accountability of individuals & institutions
 - (c) Eroding democratic values & institutions
 - (d) Impeding the sovereign decision making of courts
 - (e) creating hurdles in justice provision
 - (f) Affecting the Judiciary decision on writs
 - (g) undermining Rule of law component
- 4- Pragmatic measures to overcome those impact

2/3 only

DATE: _____

- (a) Ensure separation of power
- (b) promote check & balance
- (c) Good Governance should promote
- (d) organs acting accordly to jurisdiction provided in constitution
- (e) Need to ensure De-politization of judiciary

Same as (a)

Conclusion.

In every country, constitution either in written or unwritten form gives the organs of the state, their concerned jurisdictions & power.

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

And they are working on the matters by keeping within their power and in this way, a country runs its affairs and institutes works. But when these institutions start interfering in the matters of others,

Sentence structure

all the activities of that country impact. Like, political or executive organ interfere in the matters of judiciary, its independence become a question mark.

Informal

Informal

Political interference is basically the violation in which executive or members of parties start intervention in the matters of other institution either for their own purposes and so on. It means its working now outside of their jurisdiction that are prescribed in constitution.

Parties don't interfere in institutions

Redundant

Independence means that they are free in their decision making's provision by ~~institutions~~ not working. Judicial politization of judiciary is existing in such a way, that in appointment of judges of courts by political parties for their self interest. By passing laws of their own interest, politics enjoyed

Sentence structure

Don't define obvious terms.

is undermining the impartiality
 components of the judiciary function.
 Likewise, it's impacting the ability
 of judiciary on human rights
 provision, thereby the concept of
 transparency and accountability of
 the individuals, organisations... at
 eroding the Democratic values
 of the Democratic institution of
 the country. political interference is
 affecting the fair & sovereign
 decision making of the courts. There
 is no doubt, that political
 interference is affecting the
 judiciary independence by no. of
 ways.

No transition and Cohesion between paragraphs

politics is interfering in the
 judiciary by appointment of judges
 and also involve in their removal
 process. Appointment of judges & their
 removal is a process in which
 judges of either higher court, lower
 courts are appointed according to
 the procedure mention in the constitution
 mean a fixed term for their appointments
 and after their retirement age
 as well as removal in case of
 violation of fundamental rights are
 properly mention in the constitution.

Irrelevant
 detail

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Sentence structure

Sentence structure

Political ~~partitions~~ are involved in appointment of the judges, beside, it's not their power or jurisdiction directly, to appoint or remove the judges of any court, by appointing the judges, they ~~are exceeding~~ their limits and interfering in matters of judiciary. Like, the recent case in constitution of Pakistan the 26 Amendment, the appointment of judges are now done by the parliamentary committee, from 3 most senior judges. Hence, proved that politics in interfere in judiciary & affect their jurisdiction.

Irrelevant to the topic

Passing laws of their interest is another way of interference of politics in judiciary matters & it's ability of the interpretation. Laws are passed by parliament including both houses in case of Pakistan Indian have bicameral legislature and any law bill is passed by 2/3 majority, then it ~~requires~~ signed of the president of the country - on case of Pakistan, laws are passed by politicians & parliament for their own interest & benefits. They pass and enforce those laws that are beneficial to their own government -

Irrelevant detail

DATE: ___/___/___

According to ~~rule of law index - Pakistan~~
is at 129/142 countries - This means
that the laws are pass or enforce for
their interest of the politicians and
not they made for the welfare of
General Public. Hence, it is clear
now, that judiciary is facing interference
from the politicians or other institutions.

No
relation to
the topic

Sentence
structure

The impartiality of judiciary is
undermining by the interference of
the other organ. The impartiality of
judiciary means that, the judiciary
is free in taking of decisions, that
are not biased, and ensure the
equality and impartiality in their
decisions & ruling, means not
favoring any one party. The political
interference is detrimental to the judicial
impartiality concept, like in many
cases, by underpressing of the executive
and other, judiciary give biased

Sentence
structure

decisions. These decision were one
sided, favoring, and it leads
towards the rule of law of the
people on the court ruling. In Pakistan
the recent case of case some incidents, in
which the powerful elite & politicians
has pressure the judiciary to give decision
in the favor of the offender. Hence,
Proved, interference do business in judiciary matters.

Irrelevant
to the
topic

Another way, in which the politics can interfere is in the matter of jurisdiction of the judiciary. Jurisdiction means the boundary or limit of any institutions, through which by keeping inside, they exercise their powers without oversteering their limit. In past, the executive have interfered in the judicial matters. Like in Doss case, the court decision were not as such operational. Therefore, when an organ exceed its limit, and interference in the matters of other, the ability of that organ of fair decision-making, and working within its prescribed limit is undermined.

By controlling the judiciary budget is another way of politics involve in the matter of judiciary and challenging its independence. The controlling of the budget means that the govt mostly federal is responsible for the distribution of money for different sectors and institutions for the proper working of the institution. when the control of finance is in hand

of few persons or institutions than ~~the ability of the other~~ institutions in transparent & independent decision making is undermined. Due to ~~lack of~~ finance on judiciary, the court trail, the investigation process, and all other matters of the court ~~couldn't~~ performed in the smooth manner.

Irrelevant

For instance, in police sector of Pakistan, the budget ~~finance~~ for per case investigation is 250 rupees approximately. It means that the politicians ~~don't~~ provide the budget for proper investigation and their result in ~~poor case~~ investigation, and million of case are pending. Hence, the ~~control~~ of the budget is ~~impairing~~ the court decisions.

The interference of the politics is ~~impairing~~ the judiciary function of provision of human rights and protection of fundamental rights. Humans rights provision & protection of fundamental rights is the function of courts, law enforcement agencies, the rights such as the right to freedom

Irrelevant.
That's not
independence
of judiciary.

of speech, associations, assembly, right to information, right to fair trial all are the responsibility of the courts to provide & ensure it's protection to the persons. By interference of politics, the judicial ability to provide those right will be minimized & implemented. Due to this, there will be violation of fundamental right of citizens in the country. For example, the recent incident of PFI protest in the country, lost of people died approx 200, due to political interference of judiciary & they were finally at their own citizens. Hence, politicization of judiciary, lost it's ability of fair decision & protection of Humanright.

Another impact is that, it demolishes the transparency & accountability of individual & institutions. Transparency means the openness and right of citizens to information about the Govt. decisions whereas, accountability means to hold person responsible

That's effect on state and judiciary
Not on independence of judiciary

for their actions, same in case of the institutions. Due to interference of politics, the politician change the system of accountability and transparency, due to which they do

what they want to do without
 the fear of being held accountable.
 As they know that are they not
 responsible for their actions as the
 back hand for their laws, courts,
 ps, they know that the law & the
 court cannot do anything against
 them, just because they are powerful
 & controlling the independence of
 the judiciary. For instance, Pakistan
 ranked at 132 in Democracy Index.
 Therefore the influence of politics is
 undermining the good governance &
 democratic practices in the
 country.

Another impact of influence
 of judiciary is that it dismisses
 the democratic norms & values
 within the country & in the
 institutions. Democracy means the
 form of govt, of the people, by
 the people and for the people,
 means that where citizens are
 empowered to elect their leaders
 & their representatives of their
 choice. When there are imbalances
 due to the separation of institutions,
 one institution will exercise its
 power, there will be curbing of independence

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In the matter or work of others
~~there democracy will be not~~
flourish. Democracy characterist are
that there should be peace and
non-interfere in matter of others,
So, interference into another institution
mechanisms & functions, will impart
the democratic values & there will
be law & order situation in the country.
~~For instance, man's capacity for~~
justice make democracy possible, but
man's inclination to injustice make
democracy necessary. by Kael Paul.

That why, it is important that, ensu
non-interference and the interfere
of politics undermine the democratic
values of the institutions.

The political interference in
another way impact the judiciary
by influence the fact & sovereign
decision making of courts. Fair
& sovereign decision making of
court means the ability of the
courts to make unbiased, causal,
partial, fair decisions without
under influence of any other
institution or the factors. This
interfere is decrease the power of
courts to make fair decision and

~~uphold the rule and law. This will lead to biased decision making, the due process, the trials procedure, the court decision will be favoured and the beauty of fair decision & justice will be undermined. For instance: on case of the Bhutto~~

~~murderer charges, the court gave the biased decision, without giving him the right to free trial, just because undue influence of the politicians & elite of the country. Because of this, interference the ability or capacity of the courts to take decision independent is fundamentally undermined.~~

~~moreover, it creating needs in provision of justice. Justice means that the state of being equal, gave punishment to the offenders and compensate the victims and give every one their due. Due to interference of politicians or other members, the court gave biased decision, like the culture of unfair practice like corruption, nepotism will be on rise, and the law will be only implement on the poor.~~

No argumentation

Irrelevant

Injustice will be rife in the society and due to this, there will be chaos and tension prevail in the society. For instance; In 1997 Mulkadam case, the court was influenced by the powerful elite, and the influence of political aspect in the court decision, the court has changed the decision of death sentence to the rather Jaffrey, and gave him the imprisonment. From this it is proved that the influence of the politics, will undermine the ability of the judiciary to give fair ruling and provide justice to the victim.

Irrelevant

In addition, the other factors or way of influence is that politics are interfering in the matters of state works. writs means the power or right of any person, to file it's case to the higher judiciary, if he feels, that the decision of the concerned court is not validate or revised. Again there the influence is on the rise, as if a person is not getting justice at their level, if in case of any form of writs, still the influence of politics are in that, and

Irrelevant

can impact the ruling of the court. For instance; A writ was filed in Petal case, the court gave PT's decision, but it was political as, the mere pressure by the no. of factors. Hence, the writs impact is also impacted by the influence and judiciary cannot take sole note power in many cases. Irrelevant

The other way of influence or impact is on the rule of law component. Rule of law means that the equality, equity of citizens before the law, means everyone is equal before the law. The society where the rule of law prevails as evidence, then will creation of chaos and injustice will be on single. The influence of political is seen on any angle of the country like, rule of law is not equal for everyone, rules is not for elite, many unfair practices are existing and impact the judiciary. Principle of judicial review, due process also on. For instance; According to Rule of law index by WJP, Pakistan stand 129/142 with. This means that rules are not followed in country. Hence proves that rule of law impact by influence of political factor. Irrelevant

The influence of politics is underlying the independence of judiciary in no of ways, but by taking pragmatic measures they can be resolved & the balance can be achieved.

By ensuring the separation of power aspect, the impact can be minimized & the balance can be achieved. Separation of power means that the organ of state including the executive, legislature & judiciary should work in their prescribed limit and exercise their power in their own domains not interfere in matter of each other. The separation of power will ensure the interference of one institution into another jurisdiction. In this way the democratic beauty of each institution will flourish. For instance, in USA, their strong separation of power, and their boom of govt is very strong along with all other institutions, such separation of power ensure non-interference. Hence, proved that the separation of power component also given by mechanically, the non-interference of institutions can be achieved.

How to ensure separation of power?

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Another way, by promoting
check and balance of the
institution on each other, check
and balance means that no
organ of the state, should impose
check & balance on each
other, in order to ensure that they
are not over exceeding their
jurisdictions and not interfering
in matters of other. check &
balance will ensure the component
of institution to remain in their
devised power, and not involve in
any other matter. In this way, the
institution will be in order and
will have fear of consequence if
they over exceed their limit. For
instance, Nigeria is on the worst
num because of their policies, where
the countri where, check & balance,
are ensure, the Democracy are there
like in case of USA. Therefore,
proved, that check & balance is import

How??

Good Governance is another aspect
for improving the Democracy and
the work of the institution to
limit within their own jurisdiction.
Good Governance means the way
of exercising power in the country

economic & social reform for
 development, in order to have the
 effectiveness, efficiency, responsiveness,
 rule of law, participation, free
 media and so on. when there
 will be good governance in the
 country, every program will work
 according to their power and
 limit and the influence of
 one in other will be controlled.
 Good governance ensures the stability
 of state institutions to work to
 perform in their best manner for
 the welfare of the citizen and
 the country. For instance, Estonia
 is on the world 1st global govern
 ranking and also led toward the
 e-govern ranking, where their P's
 political stability & peace in country
 have proved, good governance ensure political
 stability & non-interference -

Likewise, there is need to de-politimize
 of judiciary from the one exercised
 by its jurisdiction. De-politization
 means that every institution needed
 to work in their limit and
 not to influence by political or
 any other factor and involve the
 external factors from their ruling.

DATE: ___/___/___

De-politization will ensure that the judicial including courts, judges, LJA are not under influence and the constitution is all above. The respect of the constitution will be ensured. For instance, Pakistan

Repetitive

is ranked on 123 on corruption perceptiveness index. which means that the corruptive law because of political of judiciary and the constitution was provide protection to them. Hence, proved, the De-politization of judiciary will regulate the rule of law and exercise constitution in its true meaning.

Some of the paragraphs are missing.

Start with a concluding Phrase

~~The Political~~ interference in the judiciary is impairs its independence by multiple ways. As we have mentioned, that the interference of political factors in the matters of judiciary is undermining its ability of free jurisdiction. It undermines the ability of the judiciary to take impartial decisions and to be fair and not favor any one party during their ruling. Another way, it is impairs by priority in jurisdiction & ruling of

the judiciary. moreover, by controlling the budget of the judiciary, it influences the ~~overall~~ power of the judiciary to take independent decisions and ~~make~~ ~~more~~ ~~transparent~~. it creates hurdles in provision of justice to the citizen, and by influencing the court decisions, it creates an injustice and ~~chose~~ in the society. it also ~~affects~~ the writs of the judiciary and ~~undermining~~ the democratic value of the country. since independence, our country especially has faced many hurdles, there was rising of undemocratic practices, ~~no~~ of military coups, ~~no~~ of undemocratic era, we had faced a ~~no~~ of wars, internal & external challenges, despite of all, we are standing more firm and strong just like other states. In case of other countries, no country has faced the interference of one institution into another, although it is ~~undemocratic~~ but not something that cannot overcome or not avoid. By taking pragmatic measures, every country especially Pakistan can lead to the way of glory.