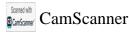
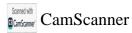
Day: Essay Date: Topic: The Impacts of Political Interference on Judicial Independence Avoid minor language Outline mistakes (1) Introduction Focus on deconstruction of Thesis statement. The political the statement judiciary is a chronic issue of all developing democracies including Pakistan Political interferice curbs the judicial independence resulting in decline of democracy, fundamental rights, rule of law, and governance efficiency, However, Independence of judiciary can be achieved by following the principle ab separation of ponen Pragmatic Measures to Ensure Tudicial Independence (2) 26th Dimendment: A Blow to Individ Independence Just build a paragraph or two about 3 Forother related information, bit the topic a)asiearly as possible appointment & Idas (b) Oversight and regulation of Judges political entity a Depriving Supreme coult of Suo moto powers (d) Selection of Judges for hearing particular cases cer Harrassing the Judges who give verdict unacceptable to suling politicas



Day:	Date:
(4)	Repercussions of Curbing Indicial Independence
	by Political Interference
	a) Safety of Fundamental Rights cannot be
	ensue
	(b) Manipulation of constitution becomes easy
	(c) Deline ob Demaratic norms takes place
	(d) Situation of Rule of law worsens
	(e) Issues of governance get are exacerbaded
	(f) Corruption becares rampant in executive
	Banch
(g) Difficulty in resolving conflicts among Provincial
	and federal governments
	sputches I publication
(5)	Pragmatic Measures to Ensure Judicial Independence
	(a) Ensiring the Bulance of power among 3 state organs
	(b) Case study of American Judiciary and
	separation of power
	c) Devising a clear interia for appointment of
	Chief Justice
	(d) Increasing stake of Judges in judicial
	commission tonurs of the
(6)	(e) Ensuing the Tender Security of tenure of the Londusion
	Conquestion and a station of stations



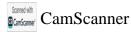
Essay Date The Theory of Separation of Power given by Montesquien is considered as a hallmark ob democracy The theory proposed the complete separation of power among thee organs of states. legislative organ, executive organ, and judicial organ It was aired at diminishing the interference ob one organ to the affairs of others. Pakistan is a demanary and can prosper by applying the theory in the letter and spirit. However, judicial branch in Patistan is not free from political interference There are allogations that tegislative and executive branch unduly interfere in judiciary. This interference curbs the judicial independence by politicizing the process of appointment of judger, d' regulation of the this backdrop, 26th amendment is possidered to be blow to judicial independence it has deprived the suo noto power & sprene court from its power of sie moto rurthermore, judges are rautinely harrange ruling verdicts acceptable to those who rule consequently, judiciary finds it difficult to ensure the safety of constitution and findamental rights Demaracy lends to decline



Day:_ Pissay Situation of rule of law worsen Similarly, governance efficiency delines due to weat judicial check However, some pragmatic measures can be takin to uphald the judicial independence such as nexit based appointment of judges and ensuring security of tenure of the judges to prevent publical interference. In short, by following the principal b separation of power, judicial independence can be attained The independence of judiciary and political inference in judiciary have become hot topes The reason behind this is the passage nowadays 26th amendment in the constitution of Patistan on October 21, 202 A major chunt of this amendment deals with reorganization of judiciously Amendment in Article 175 of construction is considered to be the most significant in this backdrop The proponents of the amendment stake that the amendment will streamline the judiciary, reduce delays and pendencies in courts. and avid the (distractions to the) judges to be distracted. However, the opporents of the amendment consider it as a serious blow



Dav to the independence of judiciary they argue that political appointment of judges, formation of constitutional benches, and removal of sio moto authority are measures to curb the judicial independence. There are various forms of interference 5 in judiciary, chief among them is the political influence on appointment of judger when the judges are appointed through political influence, their verdicts ultimately tilt in the favour of those who appoint them. Before 26th amendment Chief Justice & Pakistan was appointed on the busis & seniority principle. However, after the omendment, the CJP will be appointed from the top 3 supreme court Judges based on the criteria the executive ultimately gets more Stake in the appointment because the evaluation of judges on priferia will be dore through political entity. Apart from CTP, other judges of Supreme Court and High Courts will be appointed through Judicial commission in which majority of oackground members are from political arena Hence, judicial independence has been reduced by giving more stake



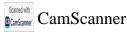
to politicians in appointment of judges. Other than appointment of judger, the evaluation of Judges of High court by judicial commission is considered as a najor setback to judicial independence this measure taken through the amendment can be manipulated by the politicians for the political gains They can easily disquality, transfer, or stop the promotion of judgen As the chances promotion becomes publicized, the judges will tend to give judgments in order to please the politicians to secure promition. flence, it goes beyond saying that the provision of 26th amendment which mandated the judicial commission to evaluate the performance ob judges is a major setlack for judiary. Another provision of 26th arrendment has been taken as a check to judicial independence which deprives the superre court of its power ab sis moto. The power ab sus moto helps J Supreme Cast to taken action against any



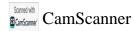
action which is percised as a threat n constitution and fundamental rights. It is a prevalent thought that this provision render the judiciary as a toothless organ. Decause, the Supreme court cannot take actions on any case now. The International court of Justice has criticized the amendment and called it a threat to decome democracy and judicial independence. Along with the given setbacks, the power I supreme court has been divided by creating a parallel body known as constitutional Benches Trese benches are mandated to hear the constitutional cases only. First of all, the creation of this body has resulted in confusion, and overlapping of jurisdiction among the suborgans of supreme court Moreover, this division results in political influence on selection of judges who will hear the most important cases of constructional natural Resultantly, is going to be its efficiency declined because of this division. Hence, political interference through constitutional benches curbs the independence objudiciary of



Day: Date: . impartial hearing of constitutional cares Apart from 26th amendments many other tactics are used to pressure the judges including harsassment. There is a long history of judicial manipulation by horassing the judges and their closed family members They are forced to give the judgements in favour ob politicians. In simple words, judgies are put free to hear the case and give verdict impartially and fairly necently, the judges of High court ourse took the issue into light by writing letters to Chief Justice of Rakistan for taking actions against the people responsible. for the harassment This shows that political interference is a major hurdle in independent judicial hearings and verdit These forms of This polititical interference curb the judicial independence, which, in turn, have serious repersions for the state A so major repercussion is the inability of judiciary to ensure the safety of fundamental right. Supreme court of pakistan is mandated to



Day:	Date:
prevent the governm	ents encroachment on
fundamental right of	the people of Pakietin.
	rt is under the influence
	ennot protect the rights
	Iving judgments against
	the appointment of judges
and their evalue	tion is highly politicized,
judges fait to en	uphold the peoples
rights. Thus, in	a politically influenced
	, fundamental rights of
people connot be	secures.
	Annual squates in par
Similarly, the	safety of constitution is
also comptomised	ib judiciary is not
full independent.	diciary is the custodian
of the constitution	and is liable to protect
it from any under	nocratic changes in constitution
	win Pakistan, theis power
	comprismised by creating
	benches. The constitutional
	ited by the politicians who
	those who will jushly their
Pakisten's judiciary. Histori	ance is not new to the



Supreme court repeatedly justied the unconstitutional moves of the rules For instance, they use the Doctrine of necessity to give the legal cover to the martial laws and abrogation of constitution under the political pressure. In a nutshell, political interference in gudicial matters is a threat to the construction of Pakistar. to ap Block Hall and Futhermore, the political interference in judiciary undermines the notimark of democracy: separtion of power Judiciary completely separate from executive and legislation can work effectively, efficiently, and importally. But the's bulance of power is disturbed by the encreachment of politicians on judicial matters. By A separate judiciary has powers to appoint its own judges through judicial anting and evalute the performance of judges arould. Unfortunakly, the appointment of judges and evaluation has become politiced resulting in reduce independence of judiciary. In short the 26th amendment and the political interference



he are proved to be a cause of democratic decline in Pakistan According to Economist Intelligence Unit, Pakistan has downgraded from an hybrid regime to authoritarian regime (EIU, State of Global Democracy, 2023). Thus political interference in judiciary is one the factors of declining democracy in Patistan. Apart from democratic norms, the independence of judiciary is very important to ansure rule of law. in the country An independent judiciary can any maintain the rule of rusing faw. The political interference results deteriorating situation of rule of law. Pakistan ranks 129th out of 142 countries with the worst rule of law situation. One of the reason behind it is the politicians' defiance of can't verdicts. Recently, the government dety the court undert in the case of reserved Seats This debiance result in sparking of political protests and civil unrest. in shart judiciary plaqued with political interference cannot end uphold the sule of law in the state.



Morever, the efficiencies of governance to declines due to little judicial choic as a result of political interference The systeme coult contribute to if the governance efficiency through with suc not power. I The government institutions worked about judicial check try to comply their challes. However, the 26th amendment deprives the supreme court de 13 priver ob sus moto Now, the government toughthis gre no more concerned about the judicial scruting. That is why, the efficiency of governance is projected to & decline Thur, a weak judiciary results in pool performance of government internet Similarly, political interference also caused the judicial partiality in case of federal provincial government conflicts. The Supreme caut is thought to give verdicts in the favor of federal government. For instance in the Federal court overruled the sindh High cast verdict in the favor of government in case of dissolution of constitutional committee in 1951 This shows that judicery connot



the play a role l'importail arbiter due	
to influence caused by plithains	
should be indreased in judicies complision	
as judge, awards at the judicial andreaments	
In order to secure judicial independence	
various pragmatic measures canno be taken The	
major step to be taken is bulancing the power	
among three state organs. This can be done	
by legislating the provisions which ensure the	
Septration of power. In this backdrop, the	
American Separation of Paper is a role model	
to fellow. In American, all three organs are	
completely separate. Judges I the symptome	
cauts of the states are dected thereaver,	
the tenue of Supreme court's Judges is	
very site of they are appointed for	
lifetime. The relpt the prevent plipial influence	>
Thus, separation of power can be ensured by	
following the mudel of American separation of	
power	
Mareover, the appointment of judges	
must be merit-bascel impartial, and free	
from political influence. This can be ensured	



Date: Day: by divising a clear bormula for selection ob judges. Moreover, the number of judges should be increased in judicial commission as judge, aware of the judicial environments can efficiently evaluate the judges as per the given criteria in short, judges' appointment should be free from political Interference and. This can last but not the least is the security I tenure of judges. It will help them to give judgments impartally. Make 212 At La in comprehensive In symmetries, judicial independence isph cubed by the political interference. Result is the decline of democratic norms, kundementa rights , and governance efficiency However, the independence of judicicely can be achieved through principle of separation to power Concluding paragraph is brief, it should be a comprehensive one

