

The Impact of Political Interference on the Judiciary: India Vs. Pakistan

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ABSTRACT

This paper investigates the significant effects of political interference on the judiciary in India and Pakistan, two countries with a common colonial history but differing paths since gaining independence. The judiciary serves as a fundamental pillar of democratic governance, designed to function independently while protecting the rule of law and upholding constitutional rights. Nevertheless, in both nations, political influences have notably affected judicial operations, compromised judicial independence and eroding public confidence.

Through a comparative examination, this study highlights important historical moments, landmark rulings, and constitutional frameworks that demonstrate the degree and nature of political interference within both judicial systems. In India, such interference has emerged through executive control over judicial appointments and crises, notably during the Emergency period from 1975 to 1977. In contrast, Pakistan's judiciary has experienced direct meddling from military governments and political authorities, frequently rationalized by the contentious Doctrine of Necessity.

Additionally, the paper investigates how the judiciary has responded to these interferences, including instances of judicial activism and civil society initiatives that promote judicial independence, such as the Lawyers' Movement in Pakistan. Ultimately, this research emphasizes the urgent need for strong protections to ensure judicial independence, bolster public trust in the judiciary, and maintain democratic principles in both countries. By highlighting the comparative experiences of India and Pakistan, this study aims to enrich the broader discussion on judicial independence in South Asia.

KEYWORDS: movement, colony, precedents, judiciary, interference, legal system, British, public rights, rule of law, public trust

INTRODUCTION

Political interference in the judiciary poses a serious threat to the rule of law, democratic institutions, and public confidence in governance. Although both India and Pakistan constitutionally guarantee judicial independence, political influence has consistently challenged the judiciary's autonomy in both nations. Despite their shared colonial legal heritage, the nature and extent of political interference vary between the two countries due to their distinct historical, political, and social trajectories.

India, with its constitutional framework established in 1950, has seen its judiciary play a crucial role in safeguarding democratic principles and protecting individual rights. However, concerns have emerged about the executive's influence, particularly in the appointment of judges and politically sensitive cases. To counteract this, the judiciary has often resorted to judicial activism, especially through Public Interest

Litigation (PIL). Yet, challenges remain, as allegations of executive pressure and a lack of transparency in the appointment process continue to affect public trust in the judiciary.

Pakistan, on the other hand, has experienced more profound and sustained political interference, especially from military regimes. The judiciary has frequently been used to legitimize unconstitutional actions, with the Doctrine of Necessity being repeatedly invoked to justify judicial compliance with military coups. Although the Lawyers' Movement of 2009 temporarily restored judicial independence, the judiciary in Pakistan continues to face significant challenges in maintaining autonomy amidst political and military pressure.

- **Historical Context**

1. **Colonial Legacy:** India and Pakistan both derived their legal systems from British colonial rule, during which the British established a common law framework that underscored the significance of judicial precedents and the necessity of an independent judiciary.
2. **Partition and its Impact:** The partition of British India in 1947 resulted in the formation of two separate nations, India and Pakistan. This division brought about substantial demographic changes and necessitated the development of distinct legal and judicial systems.

- **Judicial Structure in India**

1. **Constitution of India (1950):** The Constitution enshrines an independent judiciary as a core element of the Indian state. Article 50 of the Directive Principles of State Policy clearly mandates that the State shall work towards separating the judiciary from the executive.
2. **Supreme Court of India:** The Supreme Court serves as the highest court, exercising original, appellate, and advisory jurisdiction. It acts as the protector of the Constitution and holds the authority to conduct judicial reviews, nullifying unconstitutional laws.
3. **High Courts and Lower Courts:** Each state and union territory in India has a High Court that oversees subordinate courts, including District Courts and other lower courts. The judicial system in India is characterized by a hierarchical organization.
4. **Public Interest Litigation (PIL):** The judiciary has taken an active role in addressing social justice issues through Public Interest Litigation, allowing cases to be filed in the interest of the public, thus improving access to justice.

- **Judicial Structure in Pakistan**

1. **Constitution of Pakistan (1973):** Pakistan's legal framework is founded on the 1973 Constitution, which safeguards judicial independence. Article 175 explicitly delineates the separation of the judiciary from both the executive and legislative branches.
2. **Supreme Court of Pakistan:** As the highest court, it has the power to interpret the Constitution and oversee its application. The Supreme Court can hear appeals from High Courts and possesses original jurisdiction in cases of public interest and constitutional significance.
3. **High Courts and Lower Courts:** Each province has its own High Court, which supervises lower courts, including District Courts and magistrate courts. The judiciary in Pakistan has faced various challenges, including case backlogs and delays in the judicial process.
4. **Military Influence:** Historically, the judiciary in Pakistan has encountered significant challenges from military regimes, which have interfered in judicial matters and influenced judicial appointments, thereby compromising judicial independence.

- **Evolution and Major Milestones**

1. **Judicial Activism in India:** Since the 1980s, the Indian judiciary has increasingly adopted an activis

approach, broadly interpreting the Constitution to tackle socio-economic issues. Landmark decisions, such as *Kesavananda Bharati v. State of Kerala* (1973), established the "basic structure doctrine," asserting that certain fundamental features of the Constitution are unalterable.

2. Judicial Independence in Pakistan: The quest for judicial independence gained traction during the Lawyers' Movement (2007-2009), which aimed to reinstate Chief Justice Iftikhar Muhammad Chaudhry following his removal by then-President Pervez Musharraf. This movement represented a pivotal moment in the struggle for judicial autonomy in Pakistan.

- **Contemporary Challenges**

1. Political Interference: Both nations continue to face political pressures that impact judicial independence. In India, executive influence over judicial appointments and legislative measures can jeopardize judicial autonomy. In Pakistan, historical military and political interventions have consistently undermined the judiciary's authority.

2. Public Trust and Accountability: The effectiveness of the judiciary in both countries is frequently questioned due to allegations of corruption, delays in the delivery of justice, and the effects of political influence. Enhancing accountability and transparency within the judiciary remains vital.

COMMON LEGAL HERITAGE FROM THE BRITISH COLONIAL PERIOD-

The British colonial period significantly shaped the legal systems in both India and Pakistan. When the British East India Company established control over India in the 18th century, they began to implement their legal and administrative systems, laying the groundwork for a unified legal framework.

Common Law System: The British introduced a common law system, which emphasizes the importance of judicial precedents, legal principles established by court decisions, and the application of case law. This system contrasted with the existing indigenous legal practices, which were often based on religious or customary laws.

Legal Institutions: The British established formal courts, such as the Supreme Court in Calcutta (now Kolkata) in 1774, followed by the establishment of High Courts in various provinces. These courts operated under the British legal framework, replacing traditional forms of dispute resolution.

- **Key Legal Principles and Concepts**

1. Judicial Precedents: One of the hallmarks of the common law system is the doctrine of stare decisis, where lower courts are bound to follow the precedents set by higher courts. This principle helps maintain consistency and predictability in the law.

2. Legal Rights and Protections: The British legal system introduced concepts such as the rule of law, legal rights, and protections for individuals, which were incorporated into the legal frameworks of both India and Pakistan post-independence.

- **Codification of Laws**

1. Indian Penal Code (1860): One of the most significant contributions of British colonial rule was the codification of laws. The Indian Penal Code (IPC), enacted in 1860, served as a comprehensive criminal code and laid the foundation for criminal law in India and later Pakistan.

2. Civil Procedure Code and Criminal Procedure Code: Other important pieces of legislation, such as the Civil Procedure Code (1908) and the Criminal Procedure Code (1898), were also introduced, standardizing civil and criminal procedures.

- **Impact on Legal Education and Profession**

1. Legal Education: The British established law schools and legal education systems that emphasized

the study of English law, common law principles, and legal reasoning. This contributed to the emergence of a new class of legal professionals, including barristers and solicitors.

2. **Judicial Appointments:** The colonial era set precedents for the appointment of judges and legal professionals, influencing the framework for judicial appointments in both countries after independence.

- **Post-Independence Continuity and Adaptation**

1. **Legal Frameworks:** After gaining independence in 1947, both India and Pakistan retained much of the British legal framework, adapting it to suit their constitutional and societal contexts. This continuity has led to similarities in their judicial systems, despite their divergent political paths.
2. **Evolution of Law:** Over the years, both countries have made efforts to reform and adapt their legal systems, incorporating local customs, traditions, and modern legal principles while still retaining the foundational elements inherited from the British colonial period.

The common legal heritage from the British colonial period has profoundly influenced the development of legal systems in both India and Pakistan. While both nations have made strides to evolve their legal frameworks, the foundational principles and structures established during the colonial era continue to shape their judicial processes and legal practices today. Understanding this shared legal heritage is crucial for analysing the contemporary challenges and dynamics within their respective judicial systems.

JUDICIAL INDEPENDENCE IN INDIA-

- **Constitutional Framework**

1. **Fundamental Right:** The Constitution of India, enacted in 1950, establishes the independence of the judiciary as a fundamental element of the democratic system. Articles 50 and 124 highlight the necessity of separating the judiciary from the executive and outline the formation of the Supreme Court and High Courts.
2. **Basic Structure Doctrine:** The Supreme Court has recognized judicial independence as an integral part of the "basic structure" of the Constitution, implying that it cannot be modified or abolished by constitutional amendments. This principle was confirmed in the landmark ruling of **Kesavananda Bharati v. State of Kerala** (1973).

- **Structure of the Judiciary**

1. **Supreme Court:** As the nation's highest court, the Supreme Court possesses original, appellate, and advisory jurisdiction. It acts as the custodian of the Constitution and has the authority to perform judicial reviews, ensuring that the laws and actions of the legislature and executive align with the Constitution.
2. **High Courts:** Each state and union territory has a High Court responsible for supervising subordinate courts. High Courts also hold the power of judicial review and can address constitutional issues and significant legal matters.

- **Mechanisms Ensuring Independence**

1. **Appointment of Judges:** The process of appointing judges is vital for preserving judicial independence. Although the President of India formally appoints judges, the collegium system, where senior judges recommend appointments and transfers, is designed to shield the judiciary from political pressures. However, this system has faced criticism for its lack of transparency.
2. **Tenure and Removal:** Judges are granted security of tenure, as they cannot be removed without undergoing a rigorous impeachment process. This provision helps safeguard them from political

influence.

- **Challenges to Judicial Independence**

1. **Political Pressure:** Despite constitutional protections, the judiciary encounters challenges from political interference. There have been instances where political figures have attempted to sway judicial appointments and rulings, thereby compromising the independence of the judiciary.
2. **Executive Influence:** The involvement of the executive branch in judicial appointments and administrative functions can create perceptions of bias and diminish judicial independence. The absence of a legal framework to regulate these appointments has raised concerns.

- **Judicial Accountability:** While judicial independence is essential, there are ongoing discussions regarding the need for accountability within the judiciary to tackle issues like corruption and delays in the delivery of justice. Initiatives aimed at establishing accountability mechanisms, such as the National Judicial Appointments Commission (NJAC), have encountered legal challenges.

- **Judicial Activism**

1. **Proactive Role:** The Indian judiciary has frequently adopted a proactive stance in defending constitutional rights and addressing social justice concerns. Through judicial activism, the courts have broadly interpreted laws and intervened when the executive or legislative branches have failed to take action.
2. **Public Interest Litigation (PIL):** The introduction of Public Interest Litigation has empowered citizens to approach the courts for the protection of public interests, thereby improving access to justice and enabling the judiciary to tackle social issues. This mechanism demonstrates the judiciary's commitment to safeguarding fundamental rights.

- **Recent Developments**

1. **Judicial Appointments and Reforms:** Recently, discussions have emerged about reforming the judicial appointment process to enhance transparency and reduce executive influence. The Supreme Court's annulment of the NJAC in 2015 reaffirmed the collegium system while emphasizing the need for a more accountable and transparent process.
2. **Judicial Response to Political Interference:** At times, the judiciary has resisted political interference through significant rulings that affirm its independence. Cases concerning the safeguarding of constitutional rights and checks on executive power highlight the judiciary's role in upholding democratic principles.

JUDICIAL INDEPENDENCE IN PAKISTAN

- **Constitutional Framework**

1. **Fundamental Right:** The Constitution of Pakistan, enacted in 1973, enshrines judicial independence as a vital principle of democracy. Article 175 establishes the separation of the judiciary from the executive and legislative branches, affirming that the judiciary shall be independent in the exercise of its functions.
2. **Basic Structure Doctrine:** Similar to India, Pakistan's Supreme Court has recognized judicial independence as part of the "basic structure" of the Constitution, which protects it from amendments that could undermine its integrity.

- **Structure of the Judiciary**

1. **Supreme Court:** The Supreme Court of Pakistan serves as the highest court in the country, with original, appellate, and advisory jurisdiction. It interprets the Constitution, safeguards fundamental

rights, and ensures that legislative and executive actions conform to constitutional mandates.

2. High Courts: Each province has a High Court, which exercises supervisory authority over lower courts, including District Courts and magistrate courts. High Courts play a crucial role in addressing constitutional issues and ensuring access to justice.

- **Mechanisms Ensuring Independence**

1. Appointment of Judges: The procedure for appointing judges is essential for maintaining judicial independence. Judges are appointed by the President based on recommendations from a judicial commission and a parliamentary committee, aiming to insulate the judiciary from political pressures. However, this system has faced criticism for its effectiveness and transparency.
2. Tenure and Removal: Judges are granted security of tenure, making them difficult to remove except through a stringent impeachment process. This security helps protect them from political and executive influences.

- **Challenges to Judicial Independence**

1. Political Interference: The judiciary in Pakistan has historically faced challenges from political leaders and military regimes, which have intervened in judicial matters and influenced judicial appointments. Such interferences have compromised the judiciary's independence and integrity.
2. Military Influence: The military's involvement in politics has significantly impacted judicial independence. The controversial Doctrine of Necessity has often been invoked to justify judicial decisions that align with military interests, further undermining judicial autonomy.
3. Judicial Accountability: The call for accountability within the judiciary has intensified, especially in light of allegations of corruption and delays in the justice system. Balancing judicial independence with accountability remains a contentious issue.

- **Judicial Activism**

1. Proactive Role: The Pakistani judiciary has frequently engaged in activism, especially in matters related to fundamental rights and public interest. The courts have interpreted laws expansively, stepping in when other branches of government have failed to act appropriately.
2. Public Interest Litigation (PIL): The introduction of PIL has enabled citizens to file cases for the protection of public interest, enhancing access to justice and allowing the judiciary to address social issues. This mechanism reflects the judiciary's commitment to its role as a protector of rights.
1. Lawyers' Movement: The Lawyers' Movement (2007-2009) marked a significant struggle for judicial independence in Pakistan. This movement aimed to restore Chief Justice Iftikhar Muhammad Chaudhry after his dismissal by then-President Pervez Musharraf. The movement was pivotal in reinvigorating the discourse around judicial autonomy and accountability.
2. Judicial Response to Political Challenges: The judiciary has demonstrated resilience against political interference, exemplified by landmark rulings that assert its independence and uphold constitutional rights. Cases addressing executive overreach, and the protection of civil liberties illustrate the judiciary's role in maintaining democratic principles.

COMPARATIVE ANALYSIS OF INDIA AND PAKISTAN-

The judicial systems of India and Pakistan, despite sharing a common colonial heritage, have developed along separate trajectories influenced by their distinct political, social, and historical circumstances. Both countries adopted a common law framework during British colonial rule, which highlighted the significance of judicial precedents and the necessity of an independent judiciary. However, the partition

of British India in 1947 initiated divergent legal and judicial paths for the two nations. In India, the Constitution enacted in 1950 enshrined judicial independence as a fundamental tenet, with Articles 50 and 124 explicitly establishing the separation of the judiciary from the executive. The Supreme Court of India functions as the protector of the Constitution, exercising original, appellate, and advisory jurisdiction, and holds the power of judicial review to ensure that legislative and executive actions comply with constitutional provisions.

Conversely, Pakistan's Constitution of 1973 also asserts judicial independence in Article 175, which delineates the judiciary's separation from the executive and legislative branches. However, the pervasive influence of military regimes in Pakistan has significantly impacted its judicial framework, often eroding judicial autonomy through direct interventions and the contentious Doctrine of Necessity, which has been used to justify judicial actions aligned with military interests.

The processes for appointing judges in both nations reflect efforts to maintain independence, yet India's collegium system, which relies on recommendations from senior judges, has faced criticism for its lack of transparency, while Pakistan's appointment mechanism, involving the President, has encountered similar concerns regarding accountability and openness.

Despite the constitutional protections in place, both judicial systems grapple with political interference. In India, there have been instances of executive pressure affecting judicial appointments and legislative decisions, raising concerns about the dilution of judicial autonomy. In contrast, Pakistan has experienced overt political actions from leaders and the military that have significantly compromised judicial independence. The idea of judicial accountability has gained prominence in both countries, leading to discussions about the necessity of mechanisms to combat corruption and delays in the justice system.

Judicial activism has emerged as a significant characteristic of both judicial systems, with the Indian judiciary often intervening to protect fundamental rights and address social justice issues via Public Interest Litigation (PIL). Pakistan's judiciary has similarly engaged in activism, notably during the Lawyers' Movement (2007-2009), which aimed to restore judicial independence following the dismissal of Chief Justice Iftikhar Muhammad Chaudhry, thereby emphasizing the judiciary's role in safeguarding civil liberties and upholding the rule of law.

While both nations confront ongoing challenges, India's judiciary is generally viewed as more resilient in asserting its independence, as evidenced by landmark judgments that uphold constitutional principles and civil rights. Conversely, Pakistan's judiciary has had to manoeuvre through a complicated landscape of political and military pressures, which frequently hinders its ability to operate independently.

Recent developments in both countries illustrate the changing dynamics of judicial independence, with India's Supreme Court reaffirming its commitment to protecting constitutional rights while Pakistan's judiciary continues to strive for autonomy amidst persistent political tensions. The need to balance judicial independence with accountability remains a crucial issue in both contexts, as each judiciary aims to uphold democratic values while contending with the realities of political influence and public expectations.

The current scenarios in India and Pakistan reveal intricate political, social, and economic landscapes influenced by historical legacies, present-day challenges, and ongoing developments. Here's a summary of the situations in both countries as of 2024:

CURRENT SITUATION IN INDIA-

• Political Landscape

1. Government and Leadership: India is currently governed by the Bharatiya Janata Party (BJP), led by Prime Minister Narendra Modi. The BJP maintains a majority in the Lok Sabha (the lower house of Parliament) and has enacted various policies aimed at fostering economic growth, enhancing national security, and promoting cultural nationalism.
2. Elections: As the general elections approach in 2024, the political environment is shifting, with opposition parties consolidating efforts to challenge the BJP's supremacy. Key issues such as unemployment, inflation, and social justice are becoming focal points in the electoral conversation.

• Economic Conditions

1. Growth and Challenges: India has demonstrated resilience in its economic growth, with the International Monetary Fund (IMF) predicting it to be one of the fastest-growing major economies. Nevertheless, challenges like inflation, income disparity, and unemployment persist.
2. Investment and Innovation: The government has prioritized initiatives like "Make in India" and digital transformation, which aim to attract foreign investment and support startups, especially in the technology sector.

• Social Issues

1. Religious Tensions: Increasing communal tensions, particularly between Hindu and Muslim communities, have raised concerns. Instances of violence and discrimination have ignited debates over religious freedom and minority rights.
2. Civil Rights and Freedoms: There are escalating worries regarding civil liberties, freedom of expression, and press freedom, with reports indicating heightened censorship and crackdowns on dissent.

• Foreign Relations

1. Geopolitical Positioning: India continues to bolster its global influence by engaging with major powers such as the United States, Russia, and Japan while asserting its presence in regional organizations like the Quad and BRICS.
2. Relations with Neighbours: Relations with Pakistan remain strained, mainly due to unresolved Kashmir issues and concerns over cross-border terrorism. The border with China also presents challenges, particularly following recent confrontations in the Himalayas.

CURRENT SITUATION IN PAKISTAN-

• Political Landscape

1. Government and Leadership: Pakistan has experienced significant political turmoil, highlighted by the ousting of former Prime Minister Imran Khan in a no-confidence vote in 2022. The Pakistan Muslim League-Nawaz (PML-N) and its coalition partners currently hold power, leading to discussions around governance and accountability.
2. Elections and Political Stability: Upcoming elections in early 2024 raise concerns regarding political stability. The political landscape is marked by intense rivalries and allegations of corruption, especially against former leaders.

• Economic Conditions

1. Economic Crisis: Pakistan faces acute economic difficulties, including high inflation, a declining currency, and escalating debt. The country has sought help from the International Monetary Fund

(IMF) and other international lenders to stabilize its economy.

2. Energy Crisis: Energy shortages and a dependency on imported fuel have worsened economic challenges, impacting industries and everyday life.

- **Social Issues**

1. Human Rights and Freedoms: Human rights organizations have raised alarms over constraints on freedom of speech, press, and assembly. Activists and journalists frequently encounter harassment and intimidation, raising concerns about the democratic landscape.

2. Religious and Ethnic Minorities: Minorities in Pakistan continue to experience discrimination and violence. The struggles of religious minorities, such as Christians and Ahmadis, remain pressing social concerns.

- **Foreign Relations**

1. Relations with India: Tensions with India endure, particularly concerning Kashmir and military conflicts along the Line of Control. Diplomatic interactions have been minimal, with occasional peace talks often disrupted by violent incidents.

2. Strategic Alliances: Pakistan maintains a robust relationship with China, highlighted by ongoing investments under the China-Pakistan Economic Corridor (CPEC). The country is also navigating its relations with the United States and Afghanistan, especially following the Taliban's resurgence in power.

Political interference in the judiciaries of India and Pakistan has resulted in significant consequences, impacting the rule of law, governance, public trust, and democratic stability in both countries. While both nations share a colonial legal heritage, the influence of politics on judicial independence has diverged due to their distinct historical, social, and political contexts.

CONSEQUENCES OF POLITICAL INTERFERENCE IN INDIA-

- **Diminished Judicial Autonomy**

1. Judicial Appointments: In India, political interference, particularly in the appointment of judges, has raised concerns over the diminishing independence of the judiciary. The collegium system, meant to shield the process from political influence, has been criticized for its lack of transparency. Despite the formal involvement of the executive in appointments, there are persistent claims that undue political pressure affects appointments, especially in higher courts, thereby undermining judicial neutrality.

2. Executive Overreach: Notably, during the 1975-1977 Emergency, the executive exerted considerable pressure on the judiciary, restricting its independent functioning. This period serves as a vivid reminder of how political interference can distort judicial processes and erode constitutional protections.

- **Undermining the Rule of Law**

1. Politically Influenced Judgments: Cases where judicial rulings align closely with political agendas raise concerns about the judiciary's role in safeguarding the rule of law. Accusations of judicial deference to the executive in politically sensitive cases challenge the judiciary's impartiality, which is fundamental to the legal system.

2. Selective Justice: Political interference often leads to the selective application of justice, where some political figures receive favorable judgments, while others, particularly those in opposition, may be

treated more harshly. This selective approach diminishes public confidence in the judiciary and the broader legal system.

- **Public Trust and Perceived Corruption**

1. Eroding Trust and Perception of Bias: When judicial decisions appear politically motivated, it undermines public trust in the judiciary as a neutral arbiter of justice. The perception that the judiciary may favour the ruling party or government diminishes the credibility of the legal system, deterring individuals from seeking legal redress.
2. Concerns About Corruption: Political interference also raises suspicions of corruption within the judiciary, especially in high-profile cases involving powerful political figures or significant financial interests. A lack of transparency in judicial appointments and decisions further fuels these concerns.

- **Judicial Activism as a Countermeasure**

1. Judicial Activism: In response to perceived executive overreach, the Indian judiciary has frequently adopted an activist stance, particularly through Public Interest Litigation (PIL). This activism is viewed as the judiciary's effort to reaffirm its role in protecting constitutional rights when the executive or legislature fails to act. However, excessive activism risks blurring the lines between the judiciary and the executive, complicating the balance of power.
2. Balancing Government Oversight: While judicial activism has been a key tool in ensuring government accountability and protecting citizens' rights, critics argue that it sometimes leads the judiciary to overstep its bounds, encroaching on policymaking, which is traditionally the domain of the executive and legislature.

CONSEQUENCES OF POLITICAL INTERFERENCE IN PAKISTAN-

- **Frequent Subordination of Judiciary to Executive and Military**

1. Influence of Military Regimes: Pakistan's judiciary has frequently been subordinated to the executive, particularly during military rule. The Doctrine of Necessity has been invoked repeatedly to justify judicial endorsement of unconstitutional acts in the name of state stability. This has allowed the judiciary to validate military coups and other undemocratic actions, compromising its independence.
2. Erosion of Judicial Authority: The frequent interference by military and political leaders has severely weakened the authority of Pakistan's judiciary. High-profile dismissals of judges, such as the removal of Chief Justice Iftikhar Chaudhry by President Pervez Musharraf, have had a lasting impact on the judiciary's credibility and independence.

- **Legal System Instability and Unpredictability**

1. Frequent Disruptions: Political interference has created instability within Pakistan's judicial system. Shifts in government, whether through elections, military coups, or no-confidence votes, have often brought about changes in judicial priorities or loyalty, making the legal system unpredictable and inconsistent.
2. Erosion of Constitutional Protections: The judiciary's submission to political interference has weakened constitutional protections, especially in matters concerning human rights and civil liberties. This undermines the judiciary's role as a check on executive power, reducing its effectiveness in holding the government accountable.

- **Declining Public Confidence and Disillusionment**

1. Public Disillusionment with the Judiciary: Due to repeated instances of the judiciary siding with mil-

itary and political elites, public faith in the judiciary's ability to deliver fair and impartial justice has diminished. Corruption, favoritism, and judicial delays have further weakened the rule of law in Pakistan, leading to widespread disillusionment.

2. **Marginalization of Minority Groups:** Political interference has exacerbated the discrimination faced by minority groups in Pakistan, who often feel unprotected by the judiciary. Religious minorities, such as Christians, Hindus, and Ahmadis, have faced judicial bias, particularly in cases involving blasphemy or discrimination, further alienating them from the legal system.

- **Pushback and Judicial Movements**

1. **Lawyers' Movement and Judicial Independence:** Despite extensive political interference, Pakistan's judiciary has also seen moments of resurgence in the fight for its autonomy. The Lawyers' Movement (2007-2009), which successfully reinstated Chief Justice Chaudhry, was a watershed moment in the judiciary's effort to assert its independence. This movement underscored the judiciary's critical role as a defender of constitutionalism, even in the face of military and political pressures.
2. **Ongoing Struggles:** Despite the successes of the Lawyers' Movement, the judiciary in Pakistan continues to grapple with challenges related to political and military pressures. The balance between maintaining judicial independence and managing political realities remains delicate.

COMPARATIVE CONSEQUENCES IN INDIA AND PAKISTAN-

While both India and Pakistan share a colonial legal foundation, their experiences with political interference in the judiciary have taken different forms. In India, although the judiciary occasionally faces executive influence, it has generally been more resilient in maintaining its independence, especially through judicial activism and landmark rulings that reinforce constitutional principles. Pakistan's judiciary, on the other hand, has struggled more significantly under the weight of political and military interference, often compromising its autonomy.

However, both nations share common challenges such as public distrust, questions of judicial accountability, and the need to balance judicial activism with impartiality.

Political interference in the judiciary has profound implications for both India and Pakistan, weakening the rule of law and democratic foundations in each country. Strengthening safeguards to protect judicial independence and restore public trust is essential for the long-term stability of their democratic institutions.

CONCLUSION

Political interference in the judiciary of both India and Pakistan has far-reaching consequences that go beyond the legal system, affecting governance, public confidence, and the stability of democratic institutions. Despite sharing a common colonial legal foundation, the two countries' unique historical, social, and political paths have resulted in different degrees and forms of political influence over judicial independence.

In India, the judiciary has largely managed to maintain its independence, though it has at times been vulnerable to executive influence, particularly in appointments and politically sensitive cases. Judicial activism, especially through Public Interest Litigation (PIL), has been a key tool for the Indian judiciary in curbing executive overreach and safeguarding constitutional rights. However, concerns about transparency in the collegium system, selective justice, and potential executive influence in high-profile

rulings continue to challenge the judiciary's complete autonomy. Left unaddressed, these issues could undermine public trust and weaken the rule of law.

In contrast, Pakistan's judiciary has experienced more persistent and profound interference, especially under military regimes. The repeated use of the Doctrine of Necessity to legitimize unconstitutional acts has severely eroded judicial independence. Frequent interventions by political and military actors have contributed to instability, unpredictability, and widespread public disillusionment with the judiciary. Despite notable moments of resistance, such as the Lawyers' Movement, which temporarily restored judicial autonomy, Pakistan's judiciary continues to struggle with maintaining its independence in the face of ongoing political and military pressures.

Both nations face similar challenges in balancing judicial accountability with political independence. The public's trust in the judiciary as an impartial and independent institution is vital for upholding the rule of law and ensuring justice is applied fairly and without bias. To safeguard judicial independence and restore public confidence, reforms in judicial appointment processes, increased transparency, and stronger accountability mechanisms are urgently needed in both India and Pakistan.

In conclusion, this comparative analysis highlights the critical importance of judicial independence in preserving democratic values. Without strong institutional protections and a concerted effort to resist political interference, the judiciary's ability to uphold the rule of law will be compromised, weakening the foundations of democracy in both countries. As India and Pakistan continue to confront their respective political challenges, reinforcing judicial autonomy remains essential for the protection of justice, fairness, and democratic governance.