

# Pakistani judiciary and foreign media

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Pakistan is going through a judicially hyperactive era, wherein the judiciary has proved to be the only active state institution. While it has its positive impacts, the honourable judiciary at the same time has created some negative impressions among the international analysts, who observe its decisions as a third party independent observer. And, perhaps, can provide a righteous opening as an independent onlooker of the events. After analysing several articles published in different foreign newspapers and journals, one can safely conclude that they consider the activism of Pakistani judiciary a political move. The Times of India, for instance, published an article, entitled Tussle between the judiciary and government in Pakistan, written by Omer Farooq Khan on July 12, 2012. He wrote: "Observers believe that the drama over the letter is part of a wider power struggle between the judiciary and executive. The government says that Chief Justice Chaudhry has dramatically expanded his judicial powers to persecute President Asif Zardari and oust his government. The Chief Justice insists that he is merely holding corrupt and inept politicians to account.....'If the current stalemate between the judiciary and government continues the military will be compelled to jump into the fray, but it would be difficult for the men in uniform to clear the mess'....." Next, Umar Cheema, Associate Lecturer at the Australian National University College of Law, in his column posted on Al-Jazeera's website on July 20, has opined: "The court's decision was subsequently subjected to severe criticism in the international press as well as by Pakistan's liberal intelligentsia in leading English language publications; the court's action was portrayed as essentially anti-democratic and 'political' in nature. The international response to this action is understandable. Every event with political consequences is analysed solely in the light of likely impact on the 'war on terror' or the Nato involvement in Afghanistan. As such, any manner of instability in Pakistan is problematic.....It is Pakistan's liberal intelligentsia that is asking the court to play politics in the narrow sense by deciding cases in accordance with calculations of likely impact on electoral processes, rather than on the basis of its established course." The Saudi Gazette in its July 26 publication maintains: "The crisis has roiled Pakistan's political system for months, distracting attention from what many Pakistanis believe are more pressing problems, such as the country's ailing economy and fight against the Taliban." In the same vein, The Guardian termed the disqualification of the former Prime Minister, Syed Yousuf Raza Gilani, as "judicial coup." Justice Justice Markandey Katju has clarified that "if the Constitution collapses in Pakistan, Chief Justice Iftikhar Mohammad Chaudhry will be responsible." Certainly, there are many other international analysts, who hold the same opinion. So, it is time that the judiciary clarified its position. The Supreme Court has itself stated that "there is no holy cow in the country", then why it has refused to give the details of the accounts of the judiciary on technical grounds that the funds for the judiciary comes from federal consolidated fund? Against this backdrop, it would have been more appropriate if the Supreme Court's Registrar had come forward in order to secure its moral grounds. Secondly, in the Arslan Iftikhar cast when NAB's joint investigation team called upon the Registrar, he refused to appear before it on the technical ground/pretext that he is an officer of Grade 22 and cannot obey the order of a lower graded officer. This was, indeed, unexpected, keeping in view the fact that the court, itself, had ordered the investigation. Arsalan has already refused to cooperate with it, thus the case is not proceeding further. The question, however, remains: why is he causing hurdles in the investigations. I am not blaming anyone, but as an observer I need answers to my questions. At this point of time, it is appropriate that any case that undermines the honourable judges or the Supreme Court should be decided as soon as possible, and technicalities should not impede the process of investigation because every Pakistani wants to see an unbiased and taint-free judiciary. The writer is an advocate of The Lahore High Court. Email: [canvbus@gmail.com](mailto:canvbus@gmail.com)

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