**A drop of rain on a parched land**

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Confronted with a myriad of problems, despondency often sets in to dull the spirit and dilute the passion. But with the first drop of rain wetting a parched land, there is a renewal of resolve that readies you for the next round of struggle with the hope of getting to the finishing line.

The letter written by six honourable justices of the Islamabad High Court (IHC) to the Supreme Judicial Council (SJC) asking for guidance with regard to “the duty of a judge to report and respond to actions on part of members of the executive, including operatives of intelligence agencies, that seek to interfere with discharge of his/her official functions and qualify as intimidation, as well as the duty to report any such actions that come to his/her attention in relation to colleagues and/or members of the courts that the high court supervises” is like a volcano. Its eruption could transform the face this country has been forced to wear through decades and rekindle hope which has remained doused for long.

Many instances of such interference have been cited in the letter which ends with the prayer that a “judicial commission be called to consider the matter of interference of intelligence operatives with judicial functions and/or intimidation of judges in a manner that undermines independence of [the] judiciary”.

The letter states further that “such institutional consultation might then assist the Supreme Court to consider how best to protect [the] independence of [the] judiciary, put in place a mechanism to affix liability for those who undermine such independence and clarify for the benefit of individual judges the course of action they must take when they find themselves at the receiving end of interference and/or intimidation by members of the executive”.

The communication, besides being daring in nature, sets out laudatory objectives to achieve through the proposed process of “institutional consultation”. There is no denying its need and the immediacy with which it should be pursued, but it must also be ensured that such a consultation is completely free of the forces of coercion and intimidation that the letter has cited as the reason for making the proposal.

I am saying this because, in our country, the executive is accustomed to routinely influencing the outcome of matters that lie beyond its direct scope of operation. They do so through the blatant use of various powers that are otherwise vested in their offices. Such powers also encompass the elements of coercion and intimidation.

Having remained used to lording over other institutions without check, including the judiciary, it may be nearly impossible to cleanse them of this pernicious habit which has gravely damaged the quality of governance in the country.

The chief justice of the IHC was frequently kept informed of the pressure exerted on some judges as well as the violation of their privacy by fixing video cameras in their residences and transmitting footage to unknown destinations.

More specifically, para 6 of the letter is worth detailed analysis. It states that “it is imperative to enquire into and determine whether there exists a continuing policy on [the] part of the executive branch of the state, implemented by intelligence operatives who report to the executive branch, to intimidate judges, under threat of coercion or blackmail, to engineer judicial outcomes in politically consequential matters”.

It goes on to cite examples mostly concerning cases of chairman Imran Khan including Writ Petition No 3061 of 2022. The matter concerned the maintainability of a case. The presiding judge (CJ, IHC) circulated his draft opinion finding the petition maintainable while the other two judges disagreed with it and wrote a different opinion. Because of alleged pressure exerted by the operatives of an intelligence agency on the dissenting judges, they had to call for additional protection of their homes.

In another instance, the brother-in-law of a judge was abducted by intelligence operatives. He was administered electric shocks during his confinement and was also forced to record a video and tortured to make false allegations. While these matters were duly reported to the CJ of the IHC, interference continued unabated.

These and other similar matters have been known to the people of the country, but it was conveniently assumed that the perpetrators of these sinister acts lay beyond the pale of law. Amidst inaudible murmurings, they were never challenged to be held accountable. They continued to enjoy the status of being more equal than the rest as their shenanigans grew in morbidity and frequency. That weakened the state by banishing the ingredient of justice as being an inalienable right of all citizens irrespective of any distinction and substituting it with it being the sole prerogative of those who wielded power.

Where we stand today is not where we should have been. This is far, far from that dream and, given the prevalent circumstances and attitudes, we are getting even farther with time. The letter has caused some initial ripples. But, notwithstanding its seismic contents, one is not sure whether it would generate an avalanche of activities to wash away the deep-set malaise that afflicts our institutions by bringing the operators within the confines of the law.

It would require immense courage on the part of a variety of people to understand the gruesome circumstances we have landed the country into. It cannot be left there as it will continue to sink. It needs to be extricated from a deepening quagmire. That requires a change of mindset we have developed for dealing with the state whereby we take it as a treasure trove that is solely meant to provide opportunities that we would exploit to its detriment and that of its people.

This letter could be the first drop of rain on a parched and disembowelled land, desperately in need of care and nourishment. The solution will come by seeing the communication in totality and ensuring that, instead of pushing it under the rug, serious measures are adopted to remedy the malaise of interference in the working of institutions so that they can regain their long-lost credibility and function without the fear of diktat hanging over their heads.

The time of the holy cows and their aides and abettors may be up. Everyone must be made to operate within the ambit of law so that the state can breathe, and so can its people.

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