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Mechanism for Institutional Response to external influences on the  
Judicial Officers of the District Judiciary

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RCBHC



## **Research Center**

### **HIGH COURT OF BALUCHISTAN**

**COURT:** HON'BLE MR. SARDAR AHMED HALEEMI J.  
**SUBJECT:** MECHANISM FOR INSTITUTIONAL RESPONSE TO EXTRANEOUS INFLUENCE ON THE JUDICIAL OFFICERS OF THE DISTRICT JUDICIARY  
**DATE:** 28 JULY 2025  
**BY:** Research Officers RCBHC

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*Respected Sir!*

In compliance with the direction of the Hon'ble Chief Justice of the High Court of Balochistan, pursuant to the requirement of the National Judicial (Policy Making) Committee (NJPMC) to devise a *mechanism for institutional response to extraneous influences on judicial officers of the District Judiciary*, we undertook a detailed research study to explore comparative mechanisms in other jurisdictions, particularly in common law countries like India.

#### **Scope of Research and Observations**

Upon extensive examination of legal frameworks, academic literature, and judicial reforms in other jurisdictions, especially India, it was found that **no country appears to have adopted a separate, formalized institutional mechanism** specifically dedicated to addressing *extraneous executive influences* upon judicial officers at the district level. Instead, the concept of executive influence upon the judiciary in international practice typically manifests in the following broader areas:

- **Judicial Appointments** – where undue influence may affect the independence of appointments;
- **Financial Autonomy** – where lack of control over financial matters weakens institutional independence;
- **Enforcement of Court Orders** – where delays or defiance by the executive branch can indirectly affect judicial authority.

These issues are primarily dealt with in other jurisdictions through **systemic reforms**, including:

- Transparent and merit-based **judicial appointment processes**;
- Ensuring **financial autonomy** of the judiciary;
- Use of **contempt proceedings** and **judicial review** to address defiance or interference.

#### **Reference to International Instruments**

Our research also included international standards and principles designed to safeguard judicial independence and integrity. Among the most notable are:

**(1) The Bangalore Principles of Judicial Conduct (2002).** These emphasize, inter alia:

- **Value 1 (Independence)** – Judges must remain free from extraneous influences, inducements, or pressures (1.1).

- **Value 2 (Impartiality)** – Both actual and perceived impartiality are central to justice.
- **Implementation Clause** – National judiciaries must adopt **effective measures** to implement these principles if no such mechanisms exist.

## **(2) The UN Basic Principles on the Independence of the Judiciary (1985)**

Key principles include:

- Judicial decisions must be free of “restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason” (Principle 2).
- States are under a duty to provide adequate resources and protection mechanisms to enable judges to perform their functions independently (Principle 7).
- Security of tenure, fair complaint handling, and freedom from civil suits for official conduct are fundamental protections.

## **(3) Universal Charter of the Judge (1999):** Adopted by the International Association of Judges, the Charter declares:

- **Article 1:** “The independence of the judge is indispensable to impartial justice under the law. It is indivisible. All institutions and authorities, whether national or international, must respect, protect and defend that independence.”
- **Article 4:** “No one must give or attempt to give the judge orders or instructions of any kind that may influence the judicial decisions of the judge.”

## **(4) The Nauru Declaration (2018)** – adopted by Chief Justices of the Pacific region, reinforcing the need to resist executive interference and protect judicial independence in the form of following principles

- **Judicial well-being is foundational to judicial independence and public trust.** The declaration affirms that occupational and psychological well-being are essential not only for the personal health of judges but also for the quality of justice and public confidence in the judicial system.
- **Judicial well-being is a shared responsibility.** While individual judges are encouraged to maintain personal well-being, the primary duty rests with judicial leadership and institutions to ensure a healthy work environment and to prevent or mitigate stressors, including external interference.
- **Collegial support and ethical court culture are essential.** The declaration emphasizes the importance of peer support, collegial trust, and a work culture free from bullying, harassment, discrimination, or undue external pressure.

The declaration calls for **holistic mechanisms** that raise awareness, prevent avoidable stress, and institutionalize support and protection.

## **(5) International Covenant on Civil and Political Rights (ICCPR):** Under the following article requires that

- **Article 14(1):** “All persons shall be equal before the courts and tribunals. In the determination of any criminal charge... everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

These instruments stress the responsibility of states and judicial institutions to preserve the independence, impartiality, and dignity of judges, particularly in the face of external or internal pressures.

### **Framing a Model Mechanism.**

Given the absence of a parallel institutional mechanism elsewhere, we considered it essential to design a model mechanism suited to the judicial context of Balochistan, and more specifically, the district judiciary of Balochistan.

The mechanism we propose—titled *Model Reporting & Redressal Mechanism for Extraneous Influences on Judicial Officers*—is grounded in the principles of judicial independence, administrative transparency, and institutional accountability.

This mechanism includes:

- Confidential channels for complaint reporting through designated **Confidential Focal Persons (CFPs)**;
- Establishment of a **Judicial Protection Cell (JPC)** under the authority of the Chief Justice to receive, document, and respond to complaints;
- Structured procedures for inquiry, record maintenance, escalation of systemic issues, and, where necessary, recommendation for **contempt proceedings**;
- Integration of **digital reporting tools** and support from the IT Branch to enable secure reporting and traceability.

A detailed draft of the mechanism, including definitions, structure, powers, and responsibilities, has been attached as **Annex-A** to this report.

**Respectfully Submitted**

Dated: July 28, 2025