

The Constitution of Pakistan is Manipulated According to the Desires of the Factions Competing for Authority

News:

On 16th September, Pakistan's Federal Minister for information and broadcasting said that the ongoing constitutional amendment process is of great importance to the nation. He emphasis that attempts are being made to come to an agreement in order to implement changes (in the constitution) that will benefit the general public. [Source]

Comment:

As the retirement of the current Chief Justice of Pakistan approaches, so does the anxiety in the Asim-Sharif regime. The current supreme court is comprised of thirteen judges. It is bitterly divided due to the influence of the competing factions within the ruling elite. The influence effects decisions regarding amendments to the constitution. Currently, the influence of the ruling faction is facing a strong challenge from the faction that supports Imran Khan. The regime fears that the current most senior judge will become the new chief justice and grant relief to Imran Khan who is currently in jail

So under the guise of judicial reforms, the regime proposed amendments in the constitution. The amendments give powers to the regime to appoint a new chief justice, from amongst the five senior most judges, rather than just the most senior judge. Other amendments divide the current supreme court in to two parts. One part is to hear constitutional petitions, whilst the other will hear non-constitutional matters. The regime claims it is trying to make the supreme court of Pakistan efficient, when the backlog of pending cases has soared to over 57,000, the highest level in the country's legal history [Source].

None of the twenty-five amendments made to the 1973 Constitution over the past fifty-one years improved the situation of the Muslims. The current amendments will not either. Amendments are only to safeguard the interests of the competing factions within the ruling elite. In fact, all the current constitutions are made according to the whims and desires of politicians. Consequently, people no longer trust the politicians and the laws that they make. According to a survey of PEW research conducted in 2020, "In the U.S., concerns about political corruption are especially widespread, with two-in-three Americans agreeing that the phrase "most politicians are corrupt" describes their country well. Nearly half say the same in France and the UK.... In France, the U.S. and the UK, roughly half or more say elected officials do not care what ordinary people think." [Source].

Islam alone provides humanity an alternative to constitutions made according to the whims and desires of politicians. Allah (swt) said, **﴿وَأَنِ احْكُم بَيْنَهُم بِمَا أَنزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ وَاحْذَرْهُمْ أَنْ يَفْتِنُوكَ عَنْ بَعْضِ مَا أَنزَلَ اللَّهُ إِلَيْكَ﴾** **"And judge between them O Prophet by what Allah has revealed, and do not follow their desires. And beware, so they do not lure you away from some of what Allah has revealed to you."** [TMQ Surah Al-Maidah 5:49]. In Islam laws are derived from the Noble Quran and Sunnah, which are revealed by Allah (swt). The laws in the Khilafah Rashidah are not made by the majority vote of politicians. The laws are made according to the strength of Shariah evidence, and not the strength of influence of any political faction. No ruler or politicians in the Khilafah can ever demand a law according to his whims and desires. So Islam closes the door to exploitation of the constitution.

Hizb ut Tahrir has drafted a comprehensive Islamic constitution consisting of 191 articles, derived from Shariah evidences. This draft constitution outlines a complete blueprint for the Khilafah Rashidah (rightly guided Caliphate), including its economic system, foreign policy, educational policy, and ruling system. We must all study with Hizb ut Tahrir, to understand Islam's constitution. We must all work to establish the Khilafah (Caliphate) on the Method of Prophethood which will implement the Islamic constitution.

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