

25 July Elections:

The Situation in Pakistan Demands Abolition of Democracy

On July 25 2018, the general elections took place in Pakistan. The elections provided an object lesson of what the essence of democracy is. The candidates are virtually expected to lie, make false promises and practise all manner of deceit, to bring all kinds of influence to bear on the voters, which include claims of belonging to the same biradri or clan, area or religious sect and claims that other candidates are outsiders.

The elections demonstrated how the legislators who are elected depend on 'funny money' to get elected. The expenditure caps are ignored by all candidates, who have mastered down to a fine art the filing of election expenses which are fictional, but legal. This makes elected candidates prioritise the raising of money, not just to recoup expenses, but also to finance any future campaign.

One of the signature issues of the election campaign was corruption. However, the first step on the slippery slope is provided by the candidate's need to fund election campaigns from his own pocket. He needs to recoup that money if he plans to fight the next election, and once he sees that money can be raised without any trace, he is tempted to divert some of that money to his personal use. A legislator may try to continue to practise his profession and his other economic activities, but he often finds this difficult. In that event, he will find a little extra cash useful.

This is also where his power as a legislator is best shown. Pakistani legislatures, under the Constitution, are omniscient, and the final arbiters of all laws, including electoral ones, particularly those governing campaign finance. Elections are conducted under laws and rules administered by caretaker governments. However, any laws which might be an obstacle can be changed by the legislatures, in a way that would prevent those declared elected from being unseated.

The need to obtain money, loads of it, makes legislators peculiarly liable to the temptation of selling their votes. As votes are often issues of confidence in a parliamentary system, vote buyers go to the leaders of the party, rather than to individual legislators, though they are liable to be 'lobbied' even in a parliamentary system.

It is interesting that parties latched on to the issue of corruption, and interesting to see that they have at the same time approved the system within which that corruption occurs. In short, they have proposed that the system be amended, not that it be changed totally, radically.

One of the changes already made in the constitution of Pakistan, and is so well entrenched that it is no longer questioned, is the inclusion of the Objectives Resolution within the body of the Constitution. This provision is pointed at by those who view the Constitution as falling within the ambit of Islam. It preserves the form of words, while changing their meaning, of the sovereignty of Allah. The Objectives Resolution, passed by the National Assembly in 1949, provided for an ordinary democratic Constitution, while paying lip service to the idea of sovereignty belonging to the Almighty. It was clear that authority was to be exercised by the 'chosen representatives of the people.'

It was almost as if both the ordinary people of Pakistan, and the class which took over from the colonial power, had got jitters. The people had supported the partition of India, and the All-India Muslim League (AIML), because of the slogan of 'Pakistan ka matlab kya—la ilaha ill Allah' (What is the meaning of Pakistan, there is no God but Allah), had gathered people behind them in the movement for Partition. Though the leading figures of the AIML were hardly religious, the movement they led was on the basis of religion. After Partition, ordinary people suspected that they had not got the Islamic state they wished for, but an ordinary democratic state. In the shape of the Objectives Resolution, they were cynically given another dose of what had made them support Independence, the desire for Islam.

The Objectives Resolution provided that sovereignty belonged to the Almighty, but that it was to be exercised through the chosen representatives of the people. It is to choose those representatives that the elections were held on July 25. Implicit within this is the reassurance given to the successors of the Raj that sovereignty would be devolved democratically.

Sovereignty is the power of making laws, and the sovereignty of Allah is reflected in the Shariah. The Objectives Resolution got around this by declaring that no law was to be made in contradiction to

the Quran or Sunnah. This has resulted in the mechanism of the Council of Islamic Ideology, a body appointed by the government which examines laws for compliance with Quran and Sunna, and which reports to Parliament, which will then make any amendments in the light of that report. However the recommendations of the Council of Islamic Ideology are not binding on parliament. Therefore, it can be seen that laws which have been declared un-Islamic may remain in force until Parliament acts. Thus the actual sovereign, the actual lawgiver, is Parliament.

It should not be forgotten that the situation does not change with military rule. The first Martial Law was replaced by a constitution, and the next Martial Law resulted, after many vicissitudes, in the 1973 Constitution. There have been two Martial Laws after that, but both have preserved the 1973 Constitution, amending it through the Parliament elected after the Martial Law. There was no obligation to keep the 1973 Constitution, for the 1958 Martial Law abrogated the 1956 Constitution, and the 1969 Martial Law abrogated the 1962 Constitution. It is also noteworthy that the new order under Martial law, placed the power of Parliament to legislate in the hands of the Chief Martial Law Administrator (or Chief Executive in 1999).

It is sad that a country which was brought into existence in the name of Islam, should have a constitution which permits it to organise itself in a way that does not correspond to Islam. Perhaps a sign of this comes from the basic structure doctrine, which has been enunciated by the Indian Supreme Court, and which has not been rejected by the Pakistani Supreme Court. In essence, the doctrine says that there is a basic structure of the Constitution, which cannot be changed, not even by Parliament, and not even by amending the Constitution. As such, while interpreting the Constitution, the Supreme Court can even strike down constitutional amendments, as violative of this basic structure. Thus in a way, the Constitution's basic structure is safeguarded against the representatives of the people. Salient among this is the democratic nature of the system, with the implicit understanding that this is essential to the system.

Clearly, India was Partitioned, and Pakistan given independence, not to allow Muslims to live their lives according to Islam but to bring forth a new republic into the world. It is only when the Khilafah (Caliphate) on the Method of RasulAllah (saaw) is established that true liberation will be achieved and the Muslims of this area will be able to achieve the desire of ordering their lives in accordance with the systems of Islam.

The Muslims of the Subcontinent did not take part in the Pakistan Movement merely to obtain a democratic polity, which would merely change the faces at the head of the polity, which was supposed to remain exploitative and neo-colonialist. The goal of that time was the achievement of an Islamic system, as a replacement for the capitalist system then in place. That goal remains for the country is still ruled by capitalism, as is the rest of the Muslim world, and the people would like a system which allows them a dignified, prosperous and peaceful life without exploitation which is only guaranteed through implementation of divine law.

Instead, what they are offered is a supposed choice between parties which offer amendments to the existing system. It is perhaps because of the inherent futility of such an approach that, as observers are noticing, there is a lack of enthusiasm among the voters. That enthusiasm would only be provoked if they were offered a programme that offered them a true opportunity of changing the system, not just tweaking it. Let not another year pass of this American Raj and may these lands be blessed again by the shield of the Ummah, a righteous Khaleefah to rule us by Islam and unify us as one people against our enemies. Let us strive to end the corruption and oppression of Democracy on this earth, seeking earnestly the glad tidings of RasulAllah (saaw), when he (saaw) said, «ثُمَّ تَكُونُ مُلْكًا» **“Then there will be an oppressive rule, and things will be as Allah wishes them to be. Then Allah will end it when He wishes. Then there will be a Khilafah according to the method of Prophethood.”** Then he (saaw) fell silent.” [Ahmed]

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