**The forgotten promise**

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“The state shall ensure the elimination of all forms of exploitation and the gradual fulfilment of the fundamental principle, from each according to his ability to each according to his work” — Article 3, 1973 constitution

Article 5 of the constitution of Pakistan is an oath for every citizen. It says “loyalty to the state is the basic duty of every citizen.” Article 5 is preceded by Article 3 and 4 ensuring that the state will eliminate all forms of exploitation and that the rights of individuals should be dealt with in accordance with law.

But is it justifiable by the state (defined in Article 7) to demand unconditional loyalty from its citizens in the absence of proper implementation of Articles 3 and 4 of the supreme law of the land, which is completing its 50 years on April 12, 2023?

Obviously, Article 5 is not to be read in isolation. The judiciary – as an important pillar of the state – has not ensured dispensation of justice as guaranteed under Article 4. Ours is one of the worst legal systems in the world where litigation is not only expensive but also takes years before its final settlement. When all the governments – civilian and military alike – have never bothered to implement Article 3, how can loyalty be unconditional?

In Pakistan, an unholy anti-people trio of indomitable civil-military bureaucrats, corrupt and inefficient politicians, and greedy business owners ruthlessly exploits the poor. It controls 95 per cent of the state resources but contributes less than two per cent in national revenues. Since 1973, the promise made under Article 3 has remained unfulfilled – it is almost dead in Pakistan. The Supreme Court has also never invoked its suo-motu jurisdiction for the implementation of Article 3.

Our elitist economic system negates the principle enshrined in Article 3 as it promotes, protects and cements interests of the exploitative classes. Since its inception, Pakistan has nurtured an exploitative socio-economic system that keeps gaining strength with each passing day. Currently, all forms of exploitation and repression, deeply rooted, are taking away the guaranteed ‘right to life’ from the people, what to talk of fulfilling other promises.

Zulfikar Ali Bhutto – the father of the constitution – fused Marxist ideology into ‘Islamic socialism’ in the early part of his politics (later he became an instrument in the hands of the ruling classes).

In fact, Bhutto followed the then Soviet Union that adopted it as a lower stage of communism (socialism) in line with Karl Marx’s arguments. Marx ultimately wanted countries to follow the ‘from each according to his ability to each, according to his needs’ principle. He had specific conditions in mind for such a creed to work in a society where technology and social organization would substantially eliminate the need for physical labour in production of things. Where “labour has become not only a means of life but life’s prime want”.

Marx explained his belief that, in such a society, each person would be motivated to work for the good of society despite the absence of a social mechanism compelling him or her to work, because work would have become a pleasurable and creative activity.

Law students repeatedly ask the following question: is the constitutional command of gradual elimination of all forms of exploitation legally enforceable? Many think naively that this is achievable by filing a public interest petition in the Supreme Court – which has already failed to get its decisions on sugar and petroleum prices, etc implemented. The young are not aware of the open defiance of verdicts in the Asghar Khan case and the Mubashar Hasan case. A majority fear the same fate of the latest judgment of elections in Punjab on May 12, 2023. On learning this, students retort, “so the myth of independence of judiciary is exploded.”

Political questions need political will for settlement. Political struggle alone can ensure enforcement of fundamental rights of citizens. All organs of the state, under the existing exploitative system, protect the interests of the ruling classes and the judiciary is no exception. It is unfair to demand any revolutionary change from it.

In Pakistan, the future popular victorious political party will be the one that works for the true implementation of Article 3. The starting point should be wining the mandate of the people to change the existing highly unjust and oppressive system. At present, there is no political will to tax the privileged classes – they rather get unprecedented amnesties and asset-whitening schemes. No political party in Pakistan in its manifesto has ever shown interest in enforcing Article 3 of the 1973 constitution.

The tyrannical tax system is making the rich richer and the poor poorer. It is an open and blatant violation of Article 3. The vast majority is paying exorbitant sales tax of 18 per cent, even on essential commodities of everyday use. But the mighty sections of society – the big absentee landowners, industrialists, generals and bureaucrats – are paying no wealth tax/income tax on their colossal assets/incomes. It is tragic that in a country, where billions of rupees are made on a daily basis by the rich, the tax-to-GDP ratio is pathetically low at nine per cent.

Income inequalities are widening – billions are being transferred from the poor to the rich through manipulative price hikes. The exploitative classes fund politicians. The anti-people alliance of greedy traders and industrialists deprive the state of billions of revenues by bribing politicians and officers – many politicians are owners of mills and businesses.

Successive governments, representing these classes, remain least bothered about cracking down on untaxed assets. On the contrary, they extend a free hand to money launderers and tax evaders to whiten any amount of their ill-gotten money through asset-whitening schemes and Section 111(4) of the Income Tax Ordinance, 2001.

The mighty sections of society are engaged in exploitation, rent-seeking and money laundering, which defies Article 3 of the 1973 constitution. Making Pakistan an egalitarian state working in consonance with the principle embodied in Article 3 requires a public campaign under the banner of a popular mass-based party.

If such a party wins elections with support from the working class, it alone can work for equitable distribution of wealth and resources as envisaged in Article 3 of the 1973 constitution.

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