The Supreme Court outshines all

Mushtaq Ahmed February 13, 2019 the nation

‘Every force in the country is subservient to the constitution and if anyone is not then it is a traitor in view of the Article 5 and 6 of the constitution’ “Are we living in a police state? We have already lost half of the country “. Justice Qazi Faez Isa, Member, two-judge Bench headed by Justice Mushir Alam: The media reports, Feb.7, 2019

In an unpredictable creation of history of the fifth largest democracy of the world---Pakistan, the Supreme Court of Pakistan handed down historic verdict in TLP’s sit-in case, introducing a litmus test for the complex and tricky commerce of individual, society, institutions and state in the new era of information philosophy, digital framework and new biological and social questions. The radius of the verdict is enormously wide-spread and deep-rooted one going beyond the case at hand.

Unlike routine decisions of the apex court, the author of the aforesaid verdict Justice Qazi Fuez Isa in hand with Justice Mushir Alam judiciously and courageously probed into ten years crucial period from May 12, 2007 to November, 2017 in our national history during which the state of Pakistan had to endure vital assaults on it by the powerful organised individuals, groups and organisations. The evident collapse of the system of the state generated a powerful current of lawlessness and anarchism in the country which has become unluckily the focal state in global politics after 9/11 incident of 2001.The honourable judges deciding the long awaited case exercised maximum restraint, in order to avoid enter into the labyrinth of legalism determining the fate of judicial dispensation, embarking upon the spirit of the constitution and elaborating the gravity of the plain incidents of violence, incursions, bloodsheds, plundering and ransacks adding yet another chapter in the tragic history of Pakistan.

The major sufferers of turmoil after turmoil were the dignity of the state, man, society, rule of law and the failure of the state as well during the incidents of May 12, 2007 and November, 2017. Ugliest reign of furious agitators and violent violators exposed the inefficiency, irrelevance and apathy of those who get princely perks and privileges from the hard-earned money of the tax-payers, the verdict highlights. The verdict does not only carry philosophic insightfulness and universal law of history that throws light on the follies and deficiencies of the past but also tells the course of dangerous tomorrow, if nothing is done to control its gradual emergence. As such, the verdict does not only conclude the sad tale of erroneous past but also anticipates the consequences of the undisciplined present and the undefined future.

The verdict under question has been widely reported and debated in the print and electronic media, for a need does not arise to reiterates its holistic contents, as such this article only mentions the grim circumstances by which the state-apparatus failed to show loyalty, competence and well-determined will to protect the citizens and state, ensuring the respect and regard for the constitution. As said in the above, we all – individual, society and state – are compelled dwellers of the new age of information philosophy, digital framework and new biological and social questions which has developed its own frame of reference telling all organic bodies that single law of nature decides the fate of everything as everything correlates with everything. In the emergence of the new phase of life on the Mother Earth, the systems biology, as anticipated/envisaged by the Austrian Biologist and Mathematician Ludwig von Bertalanffy in his book on mathematical model of organism’s growth over time, published in 1934, has now become the order of the day.

Ludwig von Bertalanffy opined that classical law of thermodynamics is applicable to biology, cybernetics and other fields but not necessarily on the closed system of living things. However, the most influential scientists, whether physical or social, have presently discovered the scientific law of everything from which living things are not excluded. In the past, the Muslim social and political theorist Ibn Khaldun had discovered the biological law for the growth, rise and death of state which was further detailed in the worldly renowned book “The Study of History” by English historian Arnold J. Toynbee elaborating the law for the genesis, growth and decay of civilisations. French Clergyman Saint Simon and German thinker Oswald Spengler explored the biological system of society and state, testifying the fact that a state is a living organ having innate law of its birth, growth, decline and death.

Today, physicists, biologists, philosophers and historians unanimously hold that the scientific development of society and state has now become integral part of modern world in which the rule of law, observance of code of conduct and inviolable respect and regard for the constitution are prerequisites for peaceful, progressive and prosperous survival of all organic bodies including a nation state. Those who are duty bound to reinforce the law of the land and the spirit in hand with the articles of the political constitution are undoubtedly the law-enforcing institutions and agencies. Though at the same time the educationists, professors, scholars, politicians, the law-makers, bureaucrats, the administration of parliament, civil society and even the common men and women are duty bound and must have a firmed belief in the sanctity of common law and political constitution. If any of them shows sluggishness, laziness and irrelevance in discharging of its duty, a cyclical impact is cast on the other members, resulting in lawlessness from the top-to-bottom and bottom-to-top becomes collective behaviour and national characteristics. Everyone considers himself and herself above the law, developing rapidly wide-ranging trend of self-pursuits, gains and greed.

This is ultimate outcome of disorder and decay we are facing today in Pakistan. The Supreme Court of Pakistan in the verdict draws the attention of all the stakeholders of civil society and nation state to the uncontestable truth that Karachi had had the status of the mother of lawlessness and disregard to universal ethics, self-control and mutual living and peaceful and harmonious dwelling in the uncontrolled populous metropolitan city which completed one chapter of her social and ethnic disharmony at the dawn of May 12, 2007, inspiring every organised group and organisation to take the law in their hands for the attainment of their hidden objectives. Worldly renowned historian Well Durant reached the conclusion in the huge volumes of his ‘Story of Civilization’ that if we do not transfer the universal values, code of conduct, good-moral character and respect of law, we once again become savages.

This is what the Supreme Court of Pakistan made a historic reality categorically obvious and discernable not only for ruling junta, state functionaries, law-enforcing departments and agencies but also for all stakeholders of civil society and democratic culture wherein the rule of law and inviolable articles of the political constitution regulate the behaviour of individual, society and state. Opposite to it is a formidable catastrophe reaching fast to destroy what is left from the jaws of imminent disorder and chaos.

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