**The constitution is supreme**

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All the written constitutions of the world recognize the sovereignty of the people (in our case political) and with a view to run the state affairs in a smooth manner assign different constitutional roles to pillars of the state – parliament, legislature and executive – which are supposed to strictly remain within their constitutional domain.

Our constitution not only pronounces its own inviolability but also prescribes punishment for anyone violating its sanctity in Article 6 which reads: “Any person who abrogates or subverts or suspends or holds in abeyance, or attempts or conspires to abrogate or subvert or suspend or hold in abeyance, the constitution by use of force or show of force or by any other unconstitutional means shall be guilty of high treason. (2) any person aiding or abetting or collaborating] the acts mentioned in clause (1) shall likewise be guilty of high treason. (2A) any act of high treason mentioned in clause (1) or clause (2) shall not be validated by any court including the Supreme Court and a High Court. (3) Majlis-e-Shoora (Parliament)] shall by law provide for the punishment of persons found guilty of high treason.”

The judiciary has been assigned the role of custodian of the constitution which is pivotal in establishing a just society and building the edifice of the state. It ensures that all state institutions remain within their constitutional domains and the fundamental rights of the people are not usurped and violated. The constitution also gives the judiciary the responsibility of interpreting its clauses in case there is any ambiguity. It also stipulates that the decisions given by the judiciary are binding and all the state institutions will act in aid of the judiciary to have them implemented.

In its capacity as custodian of the constitution, the court can declare any legislation by parliament as ultra vires and inimical to the spirit of the relevant article/articles of the constitution. The judiciary can also take cognizance of any action of a parliamentarian, including the speaker, if it is in breach of the constitution – which is inviolable – and declare it unconstitutional.

The unanimous decision given by a five-member larger bench of the Supreme Court, declaring the ruling of the deputy speaker and the consequent actions taken by the prime minister and the president as unconstitutional can be better understood in light of the foregoing. The fact is that no article of the constitution can be seen in absolute terms and its spirit and meaning has to be read with other articles to understand its purpose and intent. The SC quashed the argument of the PTI government that under Article 69 of the constitution, the court did not have the jurisdiction to hold a hearing on the ruling given by the deputy speaker.

The act of the deputy speaker was clearly a case of violation of the constitution as pointed out in the first para of the SC order which reads: “The ruling of the Deputy Speaker of the National Assembly (‘Assembly’) given on the floor of the House ….. (‘Ruling’) in relation to the resolution for a vote of no-confidence against the Prime Minister under Article 95 of the constitution (‘Resolution’) (for which notice had been given by the requisite number of members of the Assembly …. and in relation to which leave was granted to move the Resolution…), and the detailed reasons for the Ruling (released subsequently and concurred with by the Speaker) are declared to be contrary to the constitution and the law and of no legal effect, and the same are hereby set aside.”

In my view, also shared by constitutional experts with whom I had discussions regarding the reason preferred by the deputy speaker to reject the no-confidence motion under Article 5 of the constitution, it was a blatant misuse and misinterpretation of that particular article. I am quoting its text to put the things in its proper perspective. It stipulates: “Loyalty to the state is the basic duty of every citizen. Obedience to the constitution and law is the [inviolable] obligation of every citizen wherever he may be and of every other person for the time being within Pakistan.”

Now even for a moment if one concedes to the argument given by the deputy speaker that the no-confidence motion was a foreign conspiracy for regime change, and therefore he was rejecting it, it makes it clear that his argument was not covered by Article 5 of the constitution which emphasizes loyalty to the state and not the government. Further it requires the obedience of every citizen to the constitution and law. The opposition had filed the motion under Article 95 of the constitution which was their constitutional right. Further, how could the speaker assert a conspiracy without the matter having been probed and declared as such. The fact is that the PTI government, particularly Imran Khan, tried to pummel the constitution like a dictator to save his government – and he was caught in the act.

The unanimous decision given by the larger bench of the SC should have been accepted ungrudgingly by all the stakeholders. But it is regrettable to note that Imran Khan and his people have not only preferred to question the decision but have also unleashed a maligning and smearing campaign against the army and its leadership. This is a real shame. Going to that extent cannot be condoned.

As a political leader, Imran Khan is supposed to play the game according to the rules and within the limits of constitution and law. Resorting to falsehood and inciting his followers to violence for achieving his narrow political agenda is unacceptable to say the least. Actions by leaders, right or wrong, have repercussions.

Imran Khan is a leader who has a proven record of concocting lies and stoking them into political issues. People have not forgotten his rhetoric of ‘35 punctures’ that he propagated so fiercely from every convenient roof-top to propagate his rigging mantra and when the judicial commission formed to investigate the alleged rigging in 2013 election nullified the allegations, he himself admitted in a TV interview that it was only political talk. Imagine the political turmoil he created in the country on the basis of that made-up charge.

The conspiracy theory that he is so desperately trying to sell in regard to his ouster from the government also seems a similar kind of ploy and after the clarification by the DG ISPR in a presser on that issue, and opinions expressed by renowned former diplomats, there remains no doubt about it.

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