**What rule of order?**

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An unelected prime minister (the current caretaker PM) while speaking to a delegation of Ivy League students (Aug 26) claimed, “social order can never be compromised for rule of law”.

In a democracy, there is no social order without rule of law. At the core of rule of law is the concept of a government of laws, not of men – a principle of governance where all individuals, including state institutions, are accountable under the laws of the land. To advocate for order without rule of law is to effectively advocate for authoritarian rule. It is equal to declaring that the state is not bound by any laws to achieve social order.

‘Stability’ and ‘social order’ are simply a fig leaf enabling undemocratic forces to govern. The late General Musharraf claimed he had to intervene to prevent further destabilization. At the end, when his presidency was under threat, Musharraf suspended the constitution, declared a state of emergency, detained judges, and ordered the immediate arrest of thousands of lawyers and activists protesting his rule.

The late General Zia had also claimed that to “steer the country out of a crisis” and “save the country”, he had no choice but to intervene. Eleven devastating years followed. The entrance is always followed by promises of stability, order, and progress. The exit is marked by chaos and destruction. The point is: we have heard the supposed pledges of ‘order’ far too many times.

During the recently held meeting with the students, the caretaker prime minister went on, “in Pakistan’s context, there are times where the normal laws get suspended or are not the solution to the kind of challenges we face, like our security challenge … so the priority is that you first secure life, secure social and political order, and later on, you go for issues of civil liberties, democratic principles.”

Those running our country are of the view that civil liberties and democratic principles can simply be suspended at their whims. In times of emergency, fundamental rights do not automatically become suspended under our constitution.

Even when the proclamation of emergency is issued on account of external aggression or an uncontrollable internal disturbance, civil liberties do not by default cease to exist. At present, in times of peace, the government is asserting that laws can be suspended. Given the sheer lack of regard for the law that we have witnessed over the years, this is hardly surprising.

The rule of ‘order’ being advocated is the blatant defiance of fundamental rights and the weaponization of the law. Despite getting bail from one court, politicians and legal activists are being re-arrested by the police. As soon as the bail is granted, the police prepare for another arrest.

This is what made Justice Babar Sattar make the following remark during a hearing involving PTI leaders Shehryar Afridi and Shandana Gulzar’s bail pleas: “You have made a farce out of this. The court declares an MPO order illegal and then another order is issued.”. Justice Sattar asked the IG to decide whether they wanted to run the country as per the constitution. This shows that the law is not being used as a tool for justice but rather a tool for revenge.

In 1924, while opposing the deportation of a British journalist, Quaid-e-Azam Muhammad Ali Jinnah said, “I do maintain, and I have drunk deep at the fountain of constitutional law, that the liberty of man is the dearest thing in the law of any constitution…” Contrary to this, courts across the country are granting the police physical remand in frivolous cases.

This is despite there being precedent which states that the remand of an accused to police custody must be considered carefully, as it amounts to depriving a citizen of their liberty. The purpose of physical remand is where the police require further custody of an accused for an investigation. The police do not have the right to physical remand, and it ought to be demonstrated that the custody of an accused will assist the inquiry or investigation. Courts must not rubber stamp all requests for physical remand.

In his wisdom, the caretaker prime minister further cited the example of Israel and Pakistan as countries that were built on “religious aspirations” and where security was of the utmost importance. The Pakistan Movement was by Muslims in the Indian subcontinent. Zionism, on the other hand, was an imported colonial ideology. The creation of Pakistan coincided with independence from British colonialism. Palestine’s Partition occurred in tandem with the reconfigured form of Zionist settler-colonialism.

The Zionist lie was that Palestine was an empty land, a land without people. Except, of course, Palestine was already populated. But this was no deterrent as Palestinian villages were razed to the ground and hundreds of thousands of Palestinians were expelled. The Pakistan Movement began officially in a speech, in Lahore, to thunderous applause. It was the will of the people.

The Zionist Movement was agreed to by the British and the UN, the people were sidelined as their destiny was shaped by forces miles away. The moral core of this is simple: who gets to decide the fate, the structure, the laws of a nation? For the Pakistan Movement, the answer was the people in it. For the Zionist movement, it does not seem as though the question was even raised.

Seventy-six years on, we are still being told to believe that the rule of order is in the greater national interest. History suggests otherwise. Instead of giving lectures on the rule of order and making absurd comparisons with an apartheid state, the caretaker prime minister should do his job - hold free and fair elections within 90 days.

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