**SC reserves opinion on presidential reference regarding Senate elections**

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The Supreme Court on Thursday reserved its decision on the presidential reference seeking opinion on holding Senate elections through open ballot as all respondents concluded their arguments.

A five-member larger bench headed by Chief Justice Gulzar Ahmed and comprising Justice Mushir Alam, Justice Umar Ata Bandial, Justice Ijaz ul Ahsan and Justice Yahya Afridi heard the presidential reference.

At the outset of the hearing, Pakistan Bar Council lawyer Mansoor Usman Awan said in his arguments that if the Senate election is held through open ballot, it will affect all elections. “The constitution does not say that election should be held by secret ballot. In fact, election means secret ballot,” he maintained.

The chief justice remarked that the question before the court is only about implementation of Article 226 of the constitution. “What is the reason that no amendment is being made to eradicate corruption from the electoral process? Resolutions are passed in parliament to make the electoral process transparent,” he said. “If there is an amendment bill related to open ballot in the parliament, then what is the problem in doing amendment? Why didn’t PPP and PML-N amend the constitution in the past?” he asked.

The chief justice further remarked that political parties have acknowledged corrupt practices in Senate elections. “You have seen the videos … do you want to do the same again. Everyone is acknowledging the corrupt practices but no one is taking steps to eradicate it,” he added.

Khurram Chughtai, counsel for the Lahore High Court Bar Association, argued that the federal government does not have the authority to seek opinion of the apex court, to which the chief justice said that the reference in the court has been sent by the president of Pakistan.

Justice Ijaz ul Ahsan said, “Should we call the president and ask him why this is a question of public importance?”

Khurram Chughtai further said that the attorney general is the advocate of the federal government and not the president. “Before drafting the Election Act, opinions were sought from all political parties. Sheikh Rashid, Arif Alvi and Shibli Faraz were also members of the Election Act Committee. There were 89 meetings held. President Arif Alvi himself was a member of the constitutional reform committee. Most of the ministers sitting in the cabinet were also members of the committee,” he added.

Chughtai also said that the president of Pakistan has to act on the advice of the cabinet or the prime minister, on which the CJP told him to limit his arguments to the questions raised.

During the hearing, the chief justice while talking to the attorney general said, “You have taken a lot of time, now complete the arguments in five minutes.” The attorney general replied, “You have heard me for 17 days, just listen to me for another 15 minutes, I will not take more than that. This reference is the most important case of my life.”

Justice Yahya Afridi asked whether the opinion of the Supreme Court on the reference would be final. The attorney general replied that the government would abide by the opinion of the court and no request for review of the reference would be filed.

The court then reserved its opinion on the reference.