**Underhand Delivery Stumps Opposition**

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Ever since the filing of the no-confidence move against Imran Khan by the opposition using the constitutional option to oust him from power–the people who knew Imran intimately and with whom I interacted on this issue—have been expressing the view that he would try to sabotage this move by hook and crook. The stubborn child in him would undermine his ability to assess the consequences of his action.

Imran Khan has finally done it through a ruling by the deputy speaker of the national assembly who instead of holding voting on the no-confidence motion, rejected it being in violation of Article 5 of the constitution. Earlier minister for law Fawad Chaudhry on a point of order prayed to the speaker to reject the no-confidence motion as it was a foreign supported attempt for regime change and the movers of the motion had acted in violation of Article 5 of the constitution. The speaker did not waste a minute rejecting the no-confidence motion and adjourned the assembly session leaving everybody flabbergasted. Khan stood true to his repeated blustering that he would fight till the last ball, which he indeed has done though with a sinister move. What happened in the National Assembly was an underhand delivery to stump the opposition.

What Imran Khan has done reminds me of a cricket match of the national championship between Lahore and Rawalpindi in the late seventies. Rawalpindi was on the verge of a victory on the penultimate day and on the last day they had a paltry total to chase. But on the night of the penultimate day, one end of the pitch was dug up damaging it beyond repairs. The next morning, when the teams showed up at the ground the ugly reality was revealed. The umpires wanted to resume the match on the next pitch but Lahore captain Aftab Gul refused to accept the proposition saying that as per rules the match has to finish on the same pitch on which it started. The pitch was actually dug up by the Lahore players taking advantage of the darkness to avoid defeat. A similar kind of thing has been done by Imran Khan to save the match.

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Perhaps the episode merits looking at Article 5 of the constitution which has been invoked to torpedo the no-confidence motion and to understand its meaning and purpose. It says” 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” As is evident it basically talks about loyalty to the state and not the government and non-violation of the constitution and law. Nobody can challenge the intent and purpose of this Article. A citizen must be loyal to the state and refrain from doing anything which vitiates the constitution and law of the country.

Now the question arises whether the opposition parties had really done anything against the constitution, law and the state? If for a moment one gives credence to the contention of the government and the speaker that they had done something in violation of Article 5 therefore the no-confidence motion deserved to be rejected, one could ask them a question whether through any investigation and probe had it been established that the opposition was really acting on behalf of a foreign power to change the government? The answer is an emphatic no. The government on the basis of a cable sent by the ambassador itself assumed that the opposition was playing in the hands of a foreign power for the regime change. How could somebody be penalized without establishing the truth? Only a day earlier the law minister Fawad Chaudhry had formed a commission to investigate the issue but the government struck against the opposition without having the allegations investigated.

The fact is that the no-confidence motion filed by the opposition under article 95 was against the Prime Minister and his government. In no way, it constituted disloyalty to the state. Equating state and government is the most preposterous proposition. The government has misused and misinterpreted Article 5 to sabotage Article 95 and Article 63 A. The move in fact is tantamount to sabotaging the constitution. It has indeed created a constitutional crisis in the country which if not resolved immediately could have very serious consequences.

Leading constitutional experts of the country are unanimous in their view that the government and the speaker have violated the constitution by rejecting the no-confidence motion and not allowing the adoption of the prescribed procedure laid down in Article 63 A of the constitution. The Supreme Court Bar Association and the opposition parties have challenged the ruling of the speaker in the Supreme Court. The SC also took suo moto notice of the Assembly proceedings and a three-member bench heard the case even on Sunday in view of its urgency and importance being a constitutional issue and has issued notices to all the stakeholders for hearing on Monday. It is pertinent to mention that the Attorney General had assured the SC earlier that the government would not create any hurdles in the proceedings of the no-confidence motion and the proceeding would be held as prescribed in article 63 A. He took a similar position in an interview with renowned journalist Hamid Mir.

Now all eyes are on the SC because only its ruling can save the country from landing into a constitutional crisis of unprecedented magnitude. The government continues to contend that as per Article 69, proceedings of the National Assembly cannot be challenged in any court of law. It conveniently forgets that Article 69 pertains to only proceedings of the Assembly and not the violation of the Constitution.

There are precedents when the courts have given rulings against the deliberations of Assemblies on the basis of them being in violation of the constitution. The apex court now has a role to resolve the issue immediately in its capacity as custodian of the constitution. Its ruling will be binding on all and surely save the country from likely chaos and instability which it can ill-afford at the moment.

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