**Alvi Leaving Unenviable Legacy**

**President was actually guilty of vitiating the Election Act as well as the constitution.**

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On 9th March the country is poised to have a new head of the state replacing the current in­cumbent Dr. Arif Alvi. I am afraid he will be leaving an unenviable legacy unbecoming of a person occu­pying that prestigious office. In a democratic dispensa­tion the President elect is un­der obligation to uphold the constitution under all circum­stances and adopt a non-par­tisan position in political disputes between the ruling and opposition par­ties without showing any tilt towards the party he belongs. But it is really re­grettable to note that President Arif Alvi has invariably been acting as PTI activist in all emerging situations even by breaching the constitution.

The latest unconstitutional indiscre­tion committed by him was the refus­al to accord approval for convening the National Assembly session which is obligatory to be held within 21 days after the general elections as per arti­cle 91(2). This article stipulates “The national assembly shall meet on twen­ty-first day following the day on which the general election to the national assembly is held unless sooner sum­moned by the President” He reject­ed the summary on the plea that since special seat had not been allocated yet he could not convene the session of an incomplete assembly. That exactly was the contention of PTI.

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The constitution is very clear about convening of the assembly session and going beyond 21 days constitutes its violation. The government did well to thwart that ill-advised move by decid­ing to hold the session on 29th Febru­ary in conformity with the constitu­tion. However, in the backdrop of the pressure that built on him for his un­constitutional act and the decision of the government to go ahead with hold­ing the NA session as per constitution­al obligation, the President retracted from his stance and around mid-night on 28th February approved the sum­mary for holding the session on 29th February. I think he should not have refused the approval in the first place.

The ECP was already seized of the matter and now has announced its ver­dict on the request of the Sunni Itte­had Council (SIC) saying those seats cannot be allotted to the party as it had not submitted any list to the Elec­tion Commission as required under the law. It has also cited clauses of the constitution in support of its decision. As per ECP decision the seats would now be allocated to other parties. That should settle the matter. But SIC has announced to challenge the decision in the court of law. I think that the mem­bers of the SIC instead of creating rum­pus in the parliament should have faith in the court to settle the issue.

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Coming back to the President, it would perhaps be pertinent to recall the occasions on which Alvi has been guilty of blatantly violating the consti­tution and law at will only to benefit or support the narrative of PTI, the party to which he belongs. To begin with he deliberately avoided taking oath from Prime Minister elect Shehbaz Sharif, which was his constitutional obliga­tion, by going on sick leave and con­sequently the acting President Sadiq Sanjarani administered the oath. He refused to attend the swearing-in cere­mony of the Cabinet and the onus again fell on Sanjrani.

He was part of the unconstitutional game plan of PTI that began with the rejection of the PDM’s no-confidence motion against Imran Khan by the Deputy Speaker followed by dissolu­tion of the assemblies and declaration of new elections by him. It was thank­fully declared unconstitutional by the Supreme Court of Pakistan, leaving no doubt about the sinister motives of the PTI leadership including the Presi­dent. In fact what they did was a willful breach of the constitution. The Presi­dent also remained involved in the po­litical crisis in Punjab, playing the role of a party loyalist.

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His ill-intentions and commitment to support PTI narrative and stance on different issues were amply manifest­ed by his action to seek SC opinion on Article 63 A of the constitution, refer­ence against Qazi Faiz Isa to the Judi­cial Council. The opinion rendered by the SC bench with a 3-2 majority on Article 63-A virtually amounted to re-writing the constitution which is out­side the power of the SC as also con­tended by the dissenting judges. The opinion aggravated political crisis in Punjab and consequent installation of Pervez Elahi government in Punjab.

President Alvi also created a bizarre confusion regarding assent to Offi­cial Secrets Bill 2023 and the Pakistan Army (Amendment) Bill 2023 which were sent to him and he was supposed to give his approval or otherwise with­in ten days as per Article 75 of the con­stitution which stipulates ” When a Bill is presented to the President for assent, the President shall within ten days assent to the Bill or in the case of a Bill other than a Money Bills re­turn the Bill to the Majlise Shura (Par­liament) with a message requesting that the Bill or any specified provision thereof be reconsidered and that any amendment specified in message be considered” He neither gave written assent nor sent it back. As the Presi­dent failed to exercise either of the op­tions in regards to these two Bills they automatically assumed the status of Acts of the Parliament.

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Article 75 does not mention any third option. However the President who did not act according to the con­stitution took the stance that he had not approved the bills and had asked his staff to return it to the concerned quarters. The staff contradicted Presi­dent’s statement and maintained that the bills were still with the President. Granted that he did not approve the bills he should have returned them with the objections that he had in writ­ing with his initials which has been the previous practice.

He committed another unconstitu­tional indiscretion when he announced a date for elections in Punjab and KPK under section 57(1) of the Election Act notwithstanding this section pertained to a situation when polls to the Nation­al Assembly and four provincial assem­blies are to be held simultaneously. The President therefore used section 57(1) of the Act in the wrong context. Even in case of general elections the Presi­dential authority to announce date of elections is contingent upon two con­ditions. First as mentioned in the same section the President would announce the date in consultation with ECP and secondly as per Article 48(1) of the constitution the President shall exer­cise his authority in accordance with the advice of the cabinet or the Prime Minister. So in this case he also by-passed the Prime Minister and the cab­inet. As is evident the President was actually guilty of vitiating the Election Act as well as the constitution.

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In my view Alvi must be held account­able for his acts to breach the consti­tution when he leaves the Presidency, particularly for his role in the rejection of the no-confidence motion against Imran Khan, the dissolution of the as­sembly and announcement of schedule for elections so that no future incum­bent of that august office dares to fol­low his footsteps. SC decision provides ample ground for such an action.

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