**President as PTI Activist**

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The media reported on August 20 that President Alvi had given assent to Official Secrets Bill 2023 and the Pakistan Army (Amendment) Bill 2023 on Saturday, August 19, allowing the proposed legislation to become acts of parliament. Consequently, Iman Khan and Shah Mehmood Qureshi were arrested in the Cipher case.

When the news broke out regarding their arrest, the President who did not react to the reported approval of the law for twenty-four hours dished out a tweet that said “As God is my witness, I did not sign Official Secrets Amendment Bill 2023 and Pakistan Army Amendment Bill 2023 as I disagreed with these laws. I asked my staff to return the bills unsigned within the stipulated period to make them ineffective. I confirmed from them many times whether the bills have been returned and I was assured they were [sent back[. However, I have found out today that my staff undermined my will and command. Allah knows all. He will forgive Insha Allah. But I ask forgiveness from those who will be affected”

The belated response by the President, in the backdrop of the arrests of Imran Khan and Shah Mehmood Qureshi, is a well-convening move to save their skin by creating confusion

The denial by the President has created a very bizarre situation triggering constitutional controversy. Before commenting on the unfurling situation perhaps it would be pertinent to have a look at Article 75 of the constitution regarding assent to the Bills by the President. The Article 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”

There is no ambiguity in this Article regarding the time limit the President is supposed to either give his assent or return the bill with suggested amendments. The ground reality is that The Army Act (Amendment) Bill 2023 was sent to the President on 2nd August followed by Official Secrets (Amendment) Bill 2023 on 8th August. As per the constitution, the President should have exercised either of the two options mentioned above within ten days according to which the deadline for amendments to the Army Act and Official Secrets Act was 12 and 18 August respectively. As the President failed to exercise either of the options in regards to these two Bills they automatically assumed the stature of Acts of the Parliament on 19th August as reported in the media.

The contention by the President that he asked his staff to return the Bills unsigned does not make sense in view of the fact that the Bills are supposed to be returned in case of disagreement with the recorded message initialed by the President which has been the practice in the past and the way the President acted with regard to sending back some Bills earlier which were passed by the outgoing parliament. It means that he was fully aware and conscious of how he was supposed to act in regard to the Bills sent to him by the Parliament. The question is why he preferred to deviate from the established practice and constitutional requirement in the case of these two Bills. Putting the blame on his staff for not sending the Bills back is a schoolboy-like behaviour. Granted that he did ask his staff to send the Bills back even then it was a wrong action on his part as he could not send the bill back without recording his disagreement.

The law ministry has issued a statement in this regard and I feel it necessary to quote it to make matters more clear. It says” As per Article 75 of the Constitution, when a Bill is sent for assent, the President has two options: either give assent, or refer the matter to the parliament with specific observations. Article 75 does not provide for any third option. In the instant matter, neither of the requirements was fulfilled. Instead, the President purposely delayed the assent. Returning the bills without any observations or assent is not provided for in the Constitution. Such a course of action is against the letter and spirit of the Constitution. If the President had any observations, he could have returned the bills with his observations like he did in the recent and distant past. He could have also issued a press release to that effect. It is a matter of concern that the President has chosen to discredit his officials. The President should take responsibility for his actions.”

My hunch is that the belated response by the President in the backdrop of the arrests of Imran Khan and Shah Mehmood Qureshi is a well-convening move to save their skin by creating confusion in regard to the implementation of the laws.

The President by retracting on the issue of Bills has not only made his position controversial but made Pakistan a laughing stock for the international community. It could have very serious repercussion for the country as far as attracting foreign direct investments are concerned besides unfurling a long legal duel to determine the truth as PTI has already announced to take the issue to the apex court. It is indeed a very regrettable situation created by a man who is considered a symbol of national unity.

The reality is that he never proved his credential as an impartial head of the state and has invariably acted as an activist of the PTI in promoting the party narrative and being part of the moves by it to subvert the constitution. His ill intentions in this regard are 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 and being part of the conspiracy to thwart the no-confidence move against Imran Khan through unconstitutional means. On many other occasions also he went out of the way to take partisan positions on issues of national interest.

In this particular case even if one tends to subscribe to his contention my personal view is that in the given situation it is advisable for him to make an honourble exit by resigning. Clinging to his position would not only undermine his personal prestige but would also prove harmful for the party he represents besides undesirable political consequences for the country.

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