

Open Letter on the Refusal of the President of Pakistan to Perform the Constitutional Functions of the Presidency

April 20, 2022

To

1. The Vice Chairman
Sindh Bar Council
High Court of Sindh
Saddar, Karachi, Pakistan
2. The President
Sindh High Court Bar Association, Karachi
High Court of Sindh
Saddar, Karachi, Pakistan
3. The President
Karachi Bar Association
District Courts, M. A. Jinnah Road
Karachi
4. The President
Malir Bar Association
District & Session Court Malir
Karachi

Subject: **Open Letter on the Refusal of the President of Pakistan to Perform the Constitutional Functions of the Presidency**

Dear Sirs

Pakistan is a constitutional republic, which is to function and be run in accordance with the Constitution and the laws, enacted by the people's representatives in Parliament and Provincial Assemblies, by public servants who hold their office in accordance with the law and are accountable to the people of Pakistan.

Under Article 41 of the Constitution, the President of Pakistan is the head of the state and represents the unity of the republic. The President ought to be neutral, impartial and non-partisan. However, the recent actions of Mr. Arif-ur-Rehman Alvi, the current holder of the office of the President of Pakistan are anything but.

It was alarming to see President Alvi meet a foreign delegation from Kazakhstan and a delegation of Bajaur Chamber of Commerce and Industry, an hour before oath taking

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of Mr. Mian Shehbaz Sharif as Prime Minister, however, President Alvi refused to perform his constitutional duty to administer the oath of office, claiming ‘discomfort’. He pulled a similar stunt when he had to administer the oath of office to PM Shehbaz’s coalition cabinet.

It also appears that President Alvi is fanning a second constitutional crisis, this time, in Pakistan’s largest province, by refusing the advice of the Prime Minister on the continuing in office of the Governor of Punjab Omer Sarfraz Cheema, who is refusing to administer oath of office to Punjab’s Chief Minister-elect Hamza Shehbaz. It is to be noted with great concern that President Alvi had removed former Governor of Punjab Chaudhry Mohammad Sarwar for refusing to take unconstitutional steps to derail the no-confidence motion in the Provincial Assembly of Punjab.

Constitutional governance is being derailed and the country and its largest province are being held hostage by a President and a Governor continuing in office at the pleasure of the President, who refuse to perform their duties and functions in accordance with the Constitution and the law.

It was a relief to see the Sindh Bar Council and the Sindh High Court Bar Association petitioning the Supreme Court when the constitutional crisis engulfed the country when the National Assembly was unlawfully dissolved. We congratulate the leadership of the Sindh High Court Bar Association and the Sindh Bar Council for the bold, brave and courageous steps taken to safeguard the rule of law and constitutional supremacy.

The legal fraternity of Karachi and Sindh have been at the forefront of legal and political struggles to ensure rule of law and supremacy of the Constitution for over a decade. The Bar must stand strong and steadfast against all attempts to subvert the Constitution, and at this stage, the Bar must strongly condemn these unconstitutional actions and the crisis created by them. The Bar must also call for the resignation of President Arif-ur-Rehman Alvi and Governor of Punjab Omer Sarfraz Cheema for non-performance of their constitutional duties and for their instrumental roles in the last constitutional crisis and the presently emerging one.

Yours sincerely

Ahmer J. Khan

Farhat Ullah

M. Mushaffy

Dr. Nikhat Saba

M. Ramish Farhat

Sarosh Arif Khan

Ilma Hussain