



PRIME MINISTER
ISLAMIC REPUBLIC OF PAKISTAN

March 26, 2023

Dear Mr. President,

I am in receipt of your letter No. 5(24)/Dir(R&E)/2022 dated March 24, 2023.

I am constrained to express, at the outset, my disappointment at the blatantly partisan nature of your letter, which in parts reads like a Press Release of the Opposition political party i.e. the Pakistan Tehrik-e-Insaaf (PTI) whose one-sided, anti-government views you continue to openly espouse, notwithstanding your constitutional oath/office of President. It is a matter of record that previously also you have acted in a similar partisan manner on several occasions in violation of your oath. These occasions include: (1) your order for dissolution of the National Assembly on April 3, 2022, on illegal instructions of the *former* Prime Minister, which order was declared unconstitutional by the Supreme Court on April 7, 2022; and (2) upon my election as the Prime Minister, your failure to discharge your constitutional duty in terms of clause (5) of Article 91 to call upon me to assume the office of the Prime Minister and administer the oath of office.

Despite the foregoing and several other instances, where you actively worked towards undermining a constitutionally elected government, I have made all-out efforts to maintain a good working relationship with you. However, the contents of your letter, its tone and language has compelled me to respond to it, which I do, as follows:

1. You have referred to the events highlighted by the print, electronic and social media about alleged violations of fundamental and human rights of politicians and political workers. The reference, quite clearly, is to the politicians and workers belonging to the political party to which, you also belong to. I want to state in categorical terms



that the substantive and procedural due process guaranteed under the Constitution, under Articles 4 and 10A, is being afforded to all. All actions taken by the law enforcement agencies are strictly in accordance with law to maintain law and order and establish writ of the state. Moreover, in nearly all instances, persons aggrieved of the legal action taken against them have approached the appropriate legal fora.

2. Regrettably and ostensibly due to your party allegiance, you have failed to note the sheer violation of laws, contumacious disregard of court orders, attacking the law enforcement agencies, damaging public property, attempts to create chaos, civil and political unrest and in short, to bring the country to the brink of economic default and civil war, by the Pakistan Tehreek-e-Insaf (PTI). Mr. President, what has really 'tarnished the image of Pakistan in the international community and is casting negative repercussions on the future of democracy and state of human rights in Pakistan' is the complete disregard of the laws and the Constitution by the PTI. Moreover, you have not, on any occasion, uttered even a single word regarding the conduct of Mr. Imran Ahmed Khan Niazi, Chairman, PTI on his actions in response to lawfully issued court orders for his appearance in criminal proceedings. May I also add, never in our history have we ever witnessed such aggressive, rather militant, attitude of a political order in complete defiance of court orders.

3. Our Government has ensured that there remains complete freedom of speech and expression, as enshrined under Article 19 of the Constitution, subject only to reasonable restrictions permissible under the aforesaid provision. Regrettably again, you never raised your voice or shared your concerns in the manner that you have in your letter, in the past while the PTI was in power. I wish to draw your attention to the annual World Report 2022 issued by Human Rights Watch (HRW), which covers the year 2021, when the government of the PTI was in the office. The Human Rights Watch noted that *the Pakistan government intensified its efforts to control the media and curtail dissent. Authorities harassed, and at times detained, journalists and other members of civil society for criticizing*



government officials and policies. Violent attacks on members of the media also continue. I further refer to a report by Aljazeera published on January 14, 2022 on the annual World Report 2022 issued by the HRW, with specific reference to the chapter on Pakistan. The previous government kept the National Commission for Human Rights (NCHR) dysfunctional for the most part of its tenure. It deliberately obstructed appointment of the members and chairperson of NCHR, only because the NCHR had issued a damning report on the state of human rights under the previous government. There are several reports of international human rights organizations, which reflect poorly on the track record of the previous government on severe violations of human rights and the fundamental rights of the citizens of Pakistan. All of this, unfortunately, escaped your attention. Moreover, you did not raise any concerns when the previous government carried out a witch hunt against the opposition. A fabricated and false narcotics case, entailing death penalty, was made against Rana Sanaullah Khan, then a MNA. Male and female Members of the Parliament of other opposition parties were subjected to worst kind of political victimization by making false cases against them. Even a female member of the family of the former Prime Minister was not spared, solely to politically eliminate them. NAB was used to tame the political opposition and dissent. Unfortunately, you never raised voice. Mr. President, the Constitution does not vest any powers in or assigns any functions to the President whereby the President can seek explanation from the Government or the Prime Minister. The only reason I am responding to your letter is because I want to bring your partisan attitude and actions on record and to set the record of our Government straight.

4. At the behest of the PTI, you gave dates for the general elections to the Provincial Assemblies of the Punjab and Khyber Pakhtunkhwa. Yet again, your decision to give date for the elections to the Khyber Pakhtunkhwa Assembly, which was dissolved by the order of the Governor, was set aside by the Supreme Court vide its order dated March 1, 2023 passed in SMC No. 1/2023. You have not raised any concerns on the *malafide* dissolution of the Provincial Assemblies of the two provinces,



that too at the behest of and to satisfy the ego of the Chairman, PTI. The two Provincial Assemblies have been dissolved not for any constitutional or legal objective but to blackmail the governments in the center and the other two provinces with sole objective of forcing them to dissolve the National and the other two Provincial Assemblies. You have not taken note of the effect of conducting elections to these two provinces prior to the general elections to the National Assembly inasmuch as, organizing and conducting free and fair elections under clause (3) of Article 218 may not be possible with elected provincial governments in Punjab and Khyber Pakhtunkhwa. This constitutional distortion has completely escaped your attention, which is quite saddening, given the role of the head of the state that the Constitution assigns to the President.

5. The ECP has announced October 8, 2023 to be the new date for the polls in Punjab after taking into account the ground realities. All federal and provincial governmental authorities furnished the relevant information to the ECP. Being the constitutional body charged with the duty to organize and conduct elections, it is ultimately the ECP's decision to assess whether the circumstances are conducive for organizing and conducting free and fair elections, as required under clause (3) of Article 218. I do, however, wish to point out that you did not object to the use of language and rather aggressive attitude of the federal ministers of the previous government, who actively attempted to undermine the authority and credibility of the ECP.

6. Your reference to Article 46 of the Constitution and Rule 15(5)(b) of the Rules of Business, 1973 in arriving at the conclusion that there ought to be meaningful consultation between the President and the Prime Minister is, with great respect, out of place. Mr. President, in the exercise of your functions, you must act on and in accordance with the advice of the Cabinet or the Prime Minister under clause (1) of Article 48. In very limited instances, the President acts in his discretion under the Constitution. Article 46 and Rule 15(5)(b) *supra* are what they ordain. That is, keep the President informed. Nothing more and nothing less. These provisions or for that matter