

Scenario 126

GENERAL ELECTIONS-II

Ahead of general elections of 11th May 2013, an article titled as **'Sour grapes or an end foretold?'** written by *Ayaz Amir* in the **'the News'** dated **20th April 2013** is worth going through.

'It is another matter that the Sharifs, never ones to proclaim inconvenient truths, kept denying this deal [of going to Saudia for ten years when Gen Musharraf had sent Sharifs to Attock Jail] until Prince Muqrin, the Saudi intelligence chief, had to come to Islamabad and (unprecedentedly) address a press conference where he waded the paper with the deal on it. For anyone else this would have been a knock-out blow. Not for our champions who promptly came back with the rejoinder that the deal was only for five years, not ten, a declaration of innocence which left most observers flabbergasted.

[For complete details of that deal '**Judges & Generals in Pakistan Vol-II** pages 555-562, [2012] GHP Surrey UK is referred]

I lampooned, among other things, Nawaz Sharif's stand on Memogate, considering him to be out of his depth and not understanding the shaping of that particular episode. But I could not say what I thought needed to be said regarding the Asghar Khan judgement by the Supreme Court. Here was an open-and-shut case where a long line of politicians headed by Nawaz Sharif and Shahbaz Sharif were caught with their pants down receiving ISI money, from ISI officers, in the 1990 elections. But no follow-up action, no prosecution, no accountability – the culprits behaving as if they had been washed in holy water.

Imagine if the Asghar Khan case was about the PPP, and not the N League. All hell would have broken loose, the declamations we would have heard, the fire and thunder from the courts, the self-righteous grandstanding. Pervaiz Ashraf, the former prime minister, is disqualified on the basis of a CDA transaction, but the Asghar Khan culprits wear suits of Teflon...nothing has stuck to them.

There was more hilarity on parade. Bank defaulters, we were told, would be out of the elections. It is hard to think of any fat cat losing sleep over this. The Chaudhrys have been great ones for having their loans written off, everything in order on paper. But the Sharifs went one step further, not going to the trouble of getting anything written off and instead simply refusing to pay anything on the near – three - billion rupee loan taken by them from the National Bank and eight other banks in the 1990s.

All this was 'regularised' when Nawaz Sharif became prime minister in 1997 and he went on television and proudly declared that his family was clearing the loans by offering assets in lieu of them. Sharif suggested that this was an act of unrivalled sacrifice.

That the collateral offered was in the form of their most rundown assets is beside the point. The echoes of that announcement had hardly died down when a Sharif relative went to court saying he was a shareholder in the properties offered and that Sharif had no right to dispose them off. This matter is pending in the Lahore High Court, Allah be praised, for the last 15 years. The defaulters concerned are of course preparing to save the nation once more, as they announce the imminent birth of a new dawn.

Zardari was always Zardari, never pretending to be anything else. The Sharifs were who they were but through an optical illusion with few parallels in the nation's history we were also expected to take them as sole claimants to that hallowed space called the moral high ground.

Loan artists of a kind, seldom witnessed before in the annals of Pakistani banking, at the same time high priests of morality: not an easy stunt to pull off.

The PPP has been a disaster thrice-over, not counting Zulfikar Ali Bhutto's stint in office. The N League has been an equal disaster, the recent performance of Punjab's little Hitler, Shahbaz Sharif, looking good only when compared to the PPP. Although on a dispassionate scale what he has to show for himself does not go beyond a line of expensive and directionless gimmicks: sasti roti, laptops, Daanish schools, etc. So there's not much to choose from here.

Einstein's definition of insanity: doing the same thing over and over again and expecting different results. From stale porridge we have tried before, we are expecting something new. There's no easy cure for such a malady.

Tailpiece: Musharraf's judicial hounding: in his position one gets what one deserves. But I wish our memories were not so selective. Everyone remembers, and waxes heroic about, November 3, 2007, completely ignoring October 12, 1999, when Musharraf and his generals committed their original sin. Is it because it suits us to forget some uncomfortable truths? The then judiciary, which includes present-day eminences, validated his coup not once but twice and there was no shortage of judges who took oath under Musharraf's PCO. Shouldn't this inculcate in everyone concerned a touch of humility?'

SUPREME COURT'S INTERFERENCE:

In November 2012; in the course of a *suo moto* case relating to violence in Karachi, the Supreme Court of Pakistan [SC] directed the Election Commission of Pakistan [ECP] to devise a plan for a delimitation exercise in respect of Karachi. In making the order, the Court remarked that the exercise should be carried out in such a way that no political party would have complete control of the city.

The Muttahida Qaumi Movement (MQM), whose political stronghold was in Karachi, protested the ruling on the basis that by law, delimitation could only be carried out on the basis of a census, which had not been carried out. The Election Commission noted that the last census in Pakistan had been carried out in 1998 and that a fresh one was overdue.

In March 2013; the Supreme Court, criticising the ECP for its 'lethargy' on the matter, ordered that a fresh delimitation be carried out in the absence of up-to-date census data. The Commission then carried out a partial delimitation of three out of twenty National Assembly and eight out of forty-two Provincial Assembly constituencies.

Questions were asked as to why only some constituencies had been identified for delimitation. The MQM was unsuccessful in its legal attempts to halt the exercise.

The **Common-wealth Observer Mission** had also written in their report that in the run-up to elections, Chief Justice Iftikhar M Chaudhry travelled around the country addressing judicial officials who were to serve as Returning Officers [ROs] during the nominations and scrutiny process, to push them to uphold the judicial supervision of the elections; no good it was.

The role of the Chief Justice in this regard was criticised by some, who viewed it as undermining the role of the ECP. The excessively intrusive manner in which some ROs questioned candidates on religious knowledge and personal circumstances was subsequently attributed, by a number of commentators, to the earlier intervention by the Chief Justice.

The Supreme Court also ordered that overseas Pakistanis should be able to vote in the 2013 elections which were not administratively possible during short span of about sixty days.

ELECTIONS:STARTED MOVING

General elections of 2013 in Pakistan were ahead; let us start a little earlier.

There were the days when PML(N), Imran Khan's PTI and even some sane persons like Najam Sethi [referring to daily the '**Jang' dated 24th February 2013**] were of the view that:

'TTP is fighting against the Pakistan's foreign policies; its (Pakistan's) friendly relations with America and the West; Pak-Army's intelligence agencies; its compromises with foreign forces etc. – and not against the Pakistani people'.

Later Mr Khan's eagerness was bitterly criticised and the vote bank had also suffered on that account considering that PTI had no acumen to peep into the future.

As the political parties finalised their list of candidates, the horse-trading and floor-crossing bargains were in full swing; one part of the electoral process was concluding. It was being felt that the Election Commission of Pakistan (ECP) was going to deliver a poor performance in terms of quality and content. The expectations were too high, the requirements of probity too ambitious and both needed adjustment, but the fact remained that the ECP had miserably failed to deliver in a number of significant areas.

Most glaring among those was the failure to net and eject from the opportunity of election any of the '**big fish' tax defaulters** - 70 percent of members of the last parliament were either tax defaulters, or had no tax number or paid improbably low levels of personal taxation – or a combination of all three. The Federal Board of Revenue (FBR) had communicated a list of 300 tax defaulters to the ECP but no name was barred from standing once again. In many cases, the sums involved were very large, multiple millions of rupees, but the ECP turned a blind eye and a deaf ear to evidence which was both damning and overwhelming.

Once again; a set of rules were framed for the rich to play by and a different set of rules for the less wealthy or influential to live within. It was the unequal application of the rule of law that once again institutionalised corruption at the highest level in Pakistan and made it more difficult to fight. Corrupt candidates were going to be voted in and to become lawmakers once more; their corruption sanctioned by the highest agency like ECP which had pledged to level playing fields and ensure transparency and accountability in the electoral process.

The entire scrutiny process was bogus which failed to disqualify, anywhere, any of the big political players who were manifestly playing mockery of law in terms of taxation. The ECP had shown zero interest in establishing a permanent scrutiny cell that would contribute to a more rigorous culture of honesty and fairness; and that even constitutional provisions of Articles 62-63 were twisted to maintain the status quo. The ECP had bowed before the vested interests of some and the general populace was sure that their next parliament would be as riddled with tax-defaulters as was the last one.

On 20th March 2013; Senior officials from the Election Commission of Pakistan (ECP), ministry of foreign affairs, ministry of interior and ministry of information at the foreign office briefed Islamabad - based foreign diplomats about the policies and procedures the government had crafted for **foreign election observers**. The government allowed foreign election observers after completing due formalities and took all steps within its means to facilitate those observers during their stay in Pakistan.

The foreign observers were the teams of **EU Election Mission for Pakistan** and **Common-wealth Observers Group** from United Kingdom. The election observers had the freedom to interact with political parties on issues related to polls; however, they were not permitted to interfere in the election process.

The Joint Chiefs of Staff Committee also extended '**all possible help' to the ECP** for holding free, fair and transparent polls in the country. Headed by Chairman Joint Chiefs of Staff Committee (JCSC) Gen Khalid Shameem Wynne, the moot was also attended by Chief of the

Army Staff Gen Ashfaq Parvez Kayani. As per statement issued by the Inter - Services Public Relations (ISPR), the meeting discussed the support of armed forces to the ECP during elections. The military leadership held that it was their 'national duty' to assist electoral authorities in holding free, fair and peaceful parliamentary polls due in May 2013.

Army's poll body had submitted its detailed security plan when the election schedule was announced. The Pak-Army leadership kept on reviewing after intervals issues related to the national security, regional geo-strategic environment, and internal security situation.

On 26th March 2013, the election schedule was announced for the voting to take place on 11th May 2013. The political period to be dominated during the election process for the next three months involved a lot more controversies, negative propaganda, character assassination of candidates and political leaders and court cases. There were side runners who had questioned the electoral process and attempted to make it difficult holding elections on time. Of course, they were right because in the absence of Art 62 & 63 of the Constitution, the free and fair elections were not expected coming up.

High trumpets blown for the outgoing assemblies while completing their terms were mockery of the so-called democracy. The world media simply laughed at slogans of that Pakistani style of '**strengthened democracy**' - the substance and quality of democracy was so poor. The PPP's government and PML[N] as opposition performed poorly and the political leaderships often found it difficult to rise above their narrow and biased approach.

The ECP gave a short margin of time for filing nomination papers from 24th – 29th March; how courts could take decisions on objections in so short span of time.

The new nomination papers required a lot of information; there was a widespread support for scrutinising the candidates minutely. Gen Musharraf thought before the 2002 elections that the people with the graduation degrees would make a better parliament. He imposed that condition but the political leadership invented to come out of that cage. Otherwise, the uneducated lot of voters seldom cared for the academic qualifications of the candidates.

The political opponents were getting ready to raise objections on each other's nomination papers. This was likely to open flood-gates of charges and counter charges. There were more controversies and court cases this time regarding the nomination papers than ever.

Imran Khan started his election campaign with a public meeting in Lahore on 23rd March 2013. His initial speech comprised highly religious and nationalist indications; however, the promises he made were secular in nature. There was music and dancing for the liberals and moderates, too. Imran Khan offered something to everybody, although his statements projected him more religious than the Jama'at e Islami [JI].

Referring to **Hasan Askari's** essay in '**Pakistan Today' dated 28th March 2013**; '*Pakistan was on the election ride and the political leaders were attempting to bridge the gap between rhetoric and reality, promise and delivery, as well as between the procedures and substance of democracy.*'

On 22nd March 2013; former federal minister and PPP founding member Dr Mobashir Hassan placed an application before the Supreme Court [SC] for early hearing of his pending petition, requesting an independent ECP and directions for free, fair and timely Elections, while stopping tax evaders, defaulters and bogus degree holders from participating in the upcoming elections.

Dr Mobashir Hassan urged the SC that due to the urgency of the matter to protect fundamental rights of the citizens, the main petition should be fixed for hearing on 26th March, so that the same may be decided on merit in view of enforcement of constitutional rights as guaranteed in the Constitution.

It was also advocated that since the filing of the constitutional petition, the media carried many reports with shocking disclosures of increasing abuse of power with the sole purpose of bribing the voters. Such tactics amounted to pre-poll rigging but the ECP had failed to take notice and act. Unless such actions of federal and provincial governments were declared illegal, the general election could not be held in a fair and transparent manner.

The credibility of caretaker set-ups formed in the provinces of Sindh and Balochistan were also questioned. The main point raised high was that the SC should issue directions to the ECP to stop politicians from contesting the then upcoming election who defied the principles set under Articles 62 and 63 of the Constitution.

In the main petition, Dr Hassan had requested that *'the ECP is declared an independent institution with the authority to frame rules, orders, regulations and pass any orders it may deem necessary for conducting elections fairly, justly, transparently and in accordance with law'*. For that purpose, he argued, **the ECP needed no approval, sanction and endorsement from the President of Pakistan**. Dr Hassan had suggested the formation of a special bench to ensure fair play throughout the election process.

Dr Hassan had rightly urged the SC to issue directions for the Chiefs of all political parties not to allow any person to contest the elections from his party platform unless it was confirmed that the candidate was paying tax and had genuine credentials. Heads of PML[F], PML[N], PTI, PPP, PML[Q], MQM, JUI (F), and ANP should have been made bound to file affidavit before the higher courts, confirming that their ticket holders were not tax evaders, loan defaulters or had indulged in any known event of corruption.

On 1st March 2013; Punjab's Chief Minister, Shahbaz Sharif, had made an announcement making 100,000 contractual employees permanent in government jobs. Dr Hassan wanted that all such steps should be declared as bribe to win the votes thus must be declared illegal.

ELECTION RESULTS & ANALYSIS:

In Pakistan, the general elections held as usual **on 11th May 2013**. Till next day's morning most of the results were available with the media. The live TV programs continued; the commentators kept the show alive while going and coming back in shifts.

PML[N]'s Chief Nawaz Sharif played the first odd in that election game. Much before the scheduled ending time for polling, 5 PM that day but later extended an hour more in certain areas; Nawaz Sharif appeared before a select media team and announced his winning from the Lahore seat. Till that moment it was not practically possible that about 150 thousand votes could be collated, sorted out by the polling staff, counted and entered in ECP forms 14 or 15, communicated to the ECP through the Returning officer etc – but there were drum beats and *bhangras* and sweet bags in most streets all over Punjab.

Not a case that Nawaz Sharif could have been lost the seat – no way. But that move was especially made to convey a strong message to all the Returning Officers before starting counting that next head of the government would be Nawaz Sharif – so the counting in the marginal cases, winning could be manipulated by the polling agents of the PML[N] in collaboration with the polling staff – **and the trick worked**.

The Election Commission of Pakistan (ECP) announced that overall voter **turnout in the 2013** general elections was recorded at 55.02% — a much higher percentage than elections since the 80s. The previous record of the turnout remained as: 1988 – 43.07%; 1990 – 45.46%; 1993 – 40.28%; 1997 – 35.42%; 2002 – 41.08%; 2008 – 44.23% & for 2013 – 55.02%.

According to the ECP, the lowest turnout was recorded in NA-42 South Waziristan, where only 11.57% of registered voters came out to vote. The highest turnout was recorded at 84.77% in NA-191 Bahawalnagar. This year, over 46.2 million people exercised their right to vote in the elections. The PML[N] got the majority of votes (14.8 million) followed by the PTI (7.5 million), the PPP (6.8 million) and the MQM (2.4 million). Independent candidates picked up 5.8 million votes collectively.

For 266 seats **44859313** votes were cast; about 10% votes went to some parties which could not manage to get even a single seat. Number of seats won by each party along with the votes gained by them were as: PML[N] – 125 seats – 14794188; PTI – 27 – 7563504; PPP – 31 – 6822958; Independents – 32 – 5773494; MQM – 18 – 2422656; JUI [F] – 10 – 1454907; PML[Q] – 2 – 1405493; PML[F] – 5 – 1007761; JI – 3 – 949394; ANP – 1 – 450561; PK Milli Awami Party – 3 – 211989 and National Peoples Party – 2 – 196828. The other small parties like PML[Z], AML, Awami Jamhoori Ettihad Pakistan, BNP, APML, Qaumi Watan Party [Sherpao] all got ONE seat each in the National Assembly.

The results from the 2013 general elections surprised many candidates and political parties. The incumbent PPP government and its allies were all wiped out of the electoral map. PML(Q), the most significant ally of the outgoing PPP government, was reduced to a two-man party in the National Assembly. The ANP could not even afford that small dignity; their party had virtually disappeared. MQM, another ally of the former government, retained its hold on Karachi, for the most part.

PML(N) secured 125 seats in the National Assembly, and an incredible 214 seats in the Punjab Provincial Assembly. The fact remained that there was no dominant opposition party. PPP, the second largest party in the NA had less than one-third of PML(N)'s numbers, and PTI had nearly the same situation facing in the Punjab Assembly.

As usual in Pakistan; there was huge hue and cry about massive accounts of rigging. Specifically, the urban centres of Lahore and Karachi, where the privileged class had come out and voted, perhaps for the first time, were displeased that the candidates of their choice [PTI] were not declared the winners.

As an eye-wash, the ECP ordered to either recount the votes, or re-poll but only for few select polling stations. However, even if the rigging charges were all true, and even if the recounting or re-polling was ordered, it could bring maximum, changed results for 5 to 10 seats - PML(N)'s victory was going to stay there.

More deep analysis into the philosophies involved; this election revealed that in a contest between liberal voices [for PTI and even PPP] against the forces of conservatism [PML(N) and its religious allies], the conservatism comprehensively defeated the voices of moderation and liberal change. Regardless of the allegations of rigging, in an election with fairly high turnout, the nexus of Punjabi traders, rural farmers and a brand of conservative youth, had acquired sweeping victory.

An era of overhead bridges, underpasses, more *Jangla* buses and bullet-train was ahead while the majority had gone beyond Ramzan Ordinances, Blasphemy laws, or the Hudood Ordinance etc – the social media of twitters, facebook and Youtube had taken the nation at much higher pedestal though majority is illiterate.

This ideological divide was inbuilt in Pakistani design of democracy; was the command of our Constitution, too. The PML(N) leadership had got a clear and unchallenged mandate of the people; no hung parliament thus no real hindrances in the ability to deliver. And most importantly, as 55.02% was the exact turnout in the election, there was little room for anyone to complain that the '**silent-majority**' was not supportive of the government.

Whether one voted for PML(N) or not, nearly all Pakistanis were going to support PML[N] to meet the odd challenges which the previous government had left amidst mal-practices and intellectual & financial corruption.

Malik Zameer Hassan, *Bilawal Hose's media In-charge*, contributed a press note to the media on **16th May 2013** titled as: '***My party PPP lost because it forgot about the people***' giving details of their admissions, which said:

*'.....however on May 11, the people's verdict not only wiped out PPP from three provinces, but also clearly rejected our manifesto and our welfare programs. PPP's defeat was not merely a defeat of the party but a defeat of an ideology - defeat of **roti, kapra aur makaan** and of the policies we have been carrying since 2008.'*

PPP remained unbeatable in Sindh for the reason that of the Benazir Income Support Program [BISP] and more because Sindhis did not have an alternative to PPP. It was due to the sentimental song of Benazir Bhutto; not that PPP won Sindh because of the party's policies.

During the PPP's regime of five years, the CM Qaim Ali Shah was seen in public only once a year - during PPP's gathering in Naudero on 27th December. He, along with his cabinet, remained confined to the office and private parties. In this case, the PPP was thankful to the masses who remained Bhutto loyalists. They forgave PPP's mistakes and misgivings and blessed PPP with another chance to rule Sindh.

In Punjab, Khyber PK and Balochistan, PPP was ousted with a huge mandate. However, the consequences which led to PPP's defeat in Punjab should be considered; especially the persistent blow given to industrialists, labours, business concerns through power shortage.

All Pakistan Muslim League (APML) in Chitral, managed to grab one NA seat even though Gen Musharraf had announced an election boycott. People elected his candidate just because of the Lowary Tunnel which was General's gift to *Chitralis*.

PPP's leadership mostly sold their seats to feudal lords and rich, extracting money in the name of party fund. For instance, one of Manzoor Wattoo's daughter was made an ambassador for orphaned Pakistani children, while another daughter was made in-charge of the Pakistan Electronic Media Regularity Authority (PEMRA) Punjab. Manzoor Wattoo's son Jahangir was given an MNA seat to contest in the by-elections, which he managed to win.

The story of the Gillani family: his daughter was made an ambassador for women empowerment and his sons were granted provincial and national assembly tickets in by-elections. The elder one Qadir Gilani was MPA while the younger Musa Gilani was an MNA; even on 11th May, the entire family was contesting on PPP tickets.

In Karachi, no one had ever seen a PPP higher official attending the funeral prayers of a PPP worker who became a victim of target killing. This attitude resulted in the party losing two important seats, which had truly remained PPP domain since decades - the *Keemari* and *Malir* seats. Despite multiple developmental projects in Karachi's those two areas, PPP lost seats to PML[N] and MQM.

The discredit of PPP's demise could also be extended to their media & publicity wing. For five years of their rule, PPP vowed to keep a reconciliation [*mufahimat*] policy, whereas during election campaign the workers were made to think via TV programs & discussions that PML[N] and Sharifs were PPP's biggest rivals - they could have run a campaign for power projects, industries installed, GDP upheld, exports enhanced and schools opened and upgraded - nothing was with the PPP to bring forward. PPP kept playing the footage of Benazir Bhutto's assassination to clutch sympathy votes.

In 1997 elections, PPP was ousted from the national scene in Pakistan, but this time the party was rejected so miserably that one couldn't find a PPP candidate even in the third place. PTI candidates were mostly found in the second position with a massive mandate as well. In *Lyari*, a known PPP stronghold since 1967, a PTI candidate managed to collect 26,000 votes against PPP in NA and over 11,000 votes in PA.

ELECTIONS 2013- MORE ANALYSIS:

The election was full of controversies – hundreds of petitions and appeals were placed before the election tribunals. However, one wondered that how **Gen Mirza Aslam Beg** had taken it as the 'most wonderful' elections in the country. See Gen Beg's essay **dated 14th May 2013** appeared in '**Opinion Makers**'.

*'The 11th May 2013 verdict, in fact is the affirmation of the 1947 declaration of the Pakistan Movement, that **Pakistan will be a democratic state, with a just social order based on the principles of Islam. The nation has rejected secularism, religious extremism and 'isms' of all kind. It has voted for Moderation as in 1947, expressing the 'true will' of the Pakistani nation.'***

In Gen Beg's opinion, the verdict of 11th May 2013, by the Pakistani voters, had demolished several myths, emerging from the depths of sorrow and sacrifices of decades and the sufferings at the hands of a corrupt and incompetent government [of the PPP], which almost shook the very foundation of the country. The myth that the Pakistani nation, with 45% illiterates cannot nurture democracy had been shattered, by those voters, who rejected most of the corrupt and the incompetent, thus correcting the course of democracy.

Astonishing it was that being himself an Army Chief, Gen Beg wrote:

*'....Our national institutions, **namely the Army and the Judiciary have mainly been responsible for the derailment of democracy** in the past. Now they stood wholeheartedly to determine the right course for the democratic order and have defeated all machinations and manipulations to sabotage the election process....And I may not be wrong in saying that the new leadership also has the **'fear of God'** in their hearts.....'*

During elections of 2013, it was rather pathetic to see PPP and ANP rejected by the voters. ANP melted away conceding space to PTI which emerged as the majority in KPK. The PPP, battered and bruised, had receded to its base in interior Sindh, while MQM, as usual ruled urban Sindh, forcing a coalition government for the sake of political harmony. Surprisingly Imran Khan targeted Punjab, but hit the 'bull' in Khyber PK province – many analysts considered it a bad shot.

From the election results, it appeared that the PML(N) *jiyals* were mobilized better than the rest. Overall, the results revealed two important conclusions. Firstly; the message of change by Imran Khan's PTI, had not fully penetrated through the rural masses that constitute the majority of Pakistan's population or it has failed to resonate with them. As usual, the votes across rural Pakistan were caste on **Bradari, Qabeela & Clan** basis and in favour of those who could get the **thana kachehri** [police & court jobs] work done for voters. PML(N)) was already in saddles in Punjab to do that work so it prevailed.

Secondly; the general populace preferred to caste their vote in terms of experience rather than hope. In view of PPP's abysmal performance over the past five years, PML(N) had comparatively showed signs of progress and forward momentum - Metro Bus, Danish Schools and lap-tops all conveyed a tangible message of reality at least - though criticism was there. Per-

haps the PML[N] acted upon the lesson known well in the Urdu proverb: "***Jo dikhta hai wo bikta hai.***" [What is visible is that sells.]

The PPP had nothing to place in their showcase. All this sounded rational; it could be justified and explained with reasons. The worrying part was the assessment of the projects – forget the intellect involved; the people wanted to feel the difference.

Pakistan's border areas with Afghanistan were inhabited by the tribal groups which had once defeated the Soviets and twenty years later the Americans and their allies. From here also mounted the resistance against Pakistan - such as the muddle Imran Khan had to wade through. The PPP and ANP learnt the bitter lesson - while in power they should not have taken the masses for granted; it was the revenge for the betrayal.

The PPP regime had left the economy of the country in serious jeopardy; the nation had to fight back. Pakistan's agriculturists and industrialists had fought the curse of energy crisis maintaining the export level tolerable but they expected better situation to emerge in coming days. The American and NATO forces were on retreat in Afghanistan, who also had stakes in Pakistan. By political wisdom, Nawaz Sharif, Imran Khan and Maulana Fazlur Rahman were on the same page on the issue of dealing with the threat of terrorism, as had been declared by the All Parties Conference **on 28th February 2013**, subsequently endorsed by the parliament, too.

Gen Beg had rightly pointed out that Nawaz Sharif should not be in hurry to improve relation with India. Kashmir issue must be revisited in the context of changed geo-political realities of the 21st century – **particularly the 'Shift of the Strategic Pivot' to Asia Pacific**; withdrawal of occupation forces from Afghanistan; merging Russo-Chinese interests in the region; Indian hegemonic ambitions of regional primacy and the surge of Muslim Consciousness' and its impact on Pakistan. PML[N] was rightly expected to avail the opportunities to justify the trust reposed in them by the nation.

Contrary to Gen Beg's optimistic views, some analysts maintained that by the logic, rationale and history of events, the people's mandate was stolen once again. Going by media reports, the said election had been massively rigged by a meticulously organised pre-planned script authored by different forces, representing the traditional ruling elite in Pakistan and their foreign patrons; the England and America.

In the words of **Dr Haider Mehdi's**, referring to his article dated **16th May 2013** on media pages, elections of 2013 was the replica of 2nd NRO planned for the benefits of the traditional ruling elite and to maintain political - economic status quo on the western agenda.

As the election drew closer, the overall political dynamics, election campaigns and the magnitude of PTI's growing clout in the public had indicated visible signs of its success in elections. Thus the US and its western allies decided to lend full support to the two main parties in Pakistan, PML[N] and PPP, to ensure the political status quo was preserved. Hence, a script for the second NRO was planned.

In February 2013, the US Senate Committee on Foreign Relations met with the PML[N] Chief in Lahore. In March, a meeting was arranged between Gen Musharraf and Nawaz Sharif in Saudi Arabia to discuss the modalities of political action and political reconciliation and the General returned to Pakistan, with PML[N] and PPP leadership keeping dead silent on his return. Soon after, not by sheer coincidence, the PML[N] Chief and Pakistan's COAS were in Saudi Arabia at the same time to perform *Umrah* that year.

In April, the Army Chief met with the Afghan President and the US Secretary of State in Brussels. Earlier, Nawaz Sharif's long meeting with the British Foreign Minister prior to his trip to Saudi Arabia set the stage of the execution of the 2nd NRO in Pakistan.

The intelligentsia held that at least the Army Chief, Gen Kayani, should have avoided becoming party to America's that dirty game in Pakistani politics – the general populace didn't appreciate it.

Most historians termed the elections 2013 of Pakistan as US sponsored. The flurry of the then diplomacy and visits between London, Dubai, Qatar, Saudi Arabia, Bonn and Ankara indicated awareness to the fallouts of the contemplated US exit from Afghanistan on Pakistan and by implication the composition of the future government. General question remained that would elections 2013 be a game changer or would they push Pakistan again into the sand grave of traditionally corrupt Pakistani politics?

In the given scenario, petitions in the ECP for re-polls in some areas would be inevitable but the parties with question marks would ultimately be cajoled and persuaded to accept the unavoidable and expected. However, even the influential army officers, more retired and less serving, did not wish to disrupt an era of effective parliamentary democracy and national reconstruction; fair elections were to be welcome.

Through Pakistan's scripted elections, 5 years of military dominated rule from 2002-2007 and subsequent 5 years of an NROed PPP regime failed to deliver on militancy and development. During the dark age of PPP government, the pliant nation did not succumb to economic hit men and turned out in large numbers to reject all characters that played havoc with the state; sweet revenge on a regime that termed democracy as the best revenge.

The 1990 elections that brought Nawaz Sharif led IJI to power is black marked by the Mehran Bank Scandal and Asghar Khan Case. Though the case was referred by the Supreme Court to the PPP's Government in 2012, the later showed no inclination to pursue it, nor did the ECP take cognizance under Articles 62-63 of the Constitution. It also appeared that the mutuality of the skeletons in the cupboard prevented most parties to pursue the ends of justice. 1990's IJI government could only last for two years.

1997 brought a landslide victory to PML[N] while PPP was reduced to miserly 18 seats in the National Assembly. Ultimately, in Pakistan's rogue system, the PML[N] turned on for its own benefits and brought down everything with it. The President, Chief Justice and COAS were all humbled till the Generals of fortune delivered the final blow. Gen Musharraf ruled for nine years but the history repeated itself with an ironic twist that the man who once held Nawaz Sharif in Attock jail himself faced the same fate at the hands of his once caged and pardoned person – Nawaz Sharif.

With PPP confined to Sindh, a favourable mandate once again awaited PML[N]. Pakistanis were to wait and watch whether PML[N] had grown in maturity or would again drag itself into pitfalls of corruption like their predecessors. On the other side, as reaction to the status quo, the people turned out in large numbers to make the choices. However, their vigour was marred by the endemic propensity of old actors to engineer results. ECP simply failed to deliver the things the people expected.

The election results implied that Imran Khan's slogans went high on emotionalism and short on substance. To its credit were the assembly of masses in unprecedented numbers and ability to convince the rich and poor to turn out and vote. As a new force to reckon with, the party had a sizable opposition in Punjab and the largest presence in KPK. Though not reflected in the number of seats, PTI laid claim to at least 18% of the urban vote bank in Karachi; some termed it as light at the end of tunnel.

Logically, the perception of free and fair elections would have kept this change energized. Anything to contrary could disillusion and discourage this segment of people from future participation. The ECP and the judiciary owe it to this massive additional turnout to prove their

transparency. This was also going to cool political tempers and make way for co-existence in the larger interests of the country.

The fierce political and ideological rivalry between PML[N] and PTI put both on test in Khyber PK. Without a simple majority and a hostile centre, PTI was left to face the onerous task of governing KPK with odd allies – as both JI and QWP of Sherpao were profoundly failed parties representing status quo while PML[N] and JUI were in opposition to cut PTI's throat. The split mandate left no room for complacency; and herein was the challenge. PTI had to fight back from the corner of the ring, because Taliban around was another odd factor.

Post election grouping cornered PTI into KPK and expected it to deliver in extremely hostile and non-cooperative environments. PML[N] holding out an olive branch to PTI in KPK did well but then there was a familiar paradox. PML[N] leadership knew that if PTI failed in KPK, it might take down the whole system with it. Dream of a ***Naya Pakistan*** was put on practical testing – the people were waiting results.

ELECTIONS - MOSTLY WELL DONE:

In the general elections of 2013, 4,670 candidates contested the 272 general seats for the National Assembly and 10,955 candidates contested the elections for the four Provincial Assemblies. Of the 4,670 candidates contesting the general seats in the National Assembly 161 (3.5%) were women as compared to 64 women contesting the General Seats in 2008.

The Electoral Roll was heavily criticised by stakeholders and observers in past elections. The 2002 roll was only partially computerised and as a consequence there was no way of accurately checking for duplicate entries or to search for unverified entries. The 2008 roll saw some improvements but was still criticised due to some one-third of the electorate being listed on a supplementary list rather than the main list and with many of the entries lacking unique ID numbers.

The Electoral Roll for the 2013 elections represented a major improvement and enjoyed widespread confidence. NADRA should be appreciated for that. It was fully computerised and reliant upon the unique CNIC numbers. The lists were easily used for cross-checking and verifying entries to maintain accuracy and reliability. On the election day it proved an accurate and a reliable document and the people had felt immense confidence.

Commonwealth Observer Mission for General Elections [2013] in Pakistan; had analysed the case of Gen Musharaf as an example of the inconsistencies in the nomination process. He returned to Pakistan on 24th March 2013, during the nomination process and submitted nomination papers in four constituencies. His documents were not accepted anywhere stating it was because of the high treason and murder charges brought against him.

The Mission observed that ***'being charged with an offence does not preclude candidacy'***, rather it is being found guilty of an offence that precludes candidacy. In the end none of his applications for nomination went forward and he did not contest the polls and remained under house arrest during the election period.

During elections 2013, women represented just 1.8% of the ECP's 2,288 full time employees and there were no women in senior management positions. The ECP recognised this shortcoming and in its five-year Strategic Plan (2010-2014) it stated that ***'it aims to increase the representation of eligible women within the ECP to at least 10%'***. No progress was however seen till May 2013.

Polling was scheduled to take place from 08.00 hours to 17.00 hrs in 69,729 polling stations across the country. In most instances polling stations were divided into male and female streams with multiple polling booths in some premises.

On Election Day of 11th May 2013; in majority of cases the opening and voting procedures were well conducted, although late opening was experienced in some remote places. Voters turned out in very large numbers, often from quite early in the day; especially the large turnout of women voters and youth deserve appreciation. Given the level of violence in the lead-up to the election, and some incidents on the day, this large turnout of voters was quite remarkable. Queues were formed at the polling stations and in most cases these were orderly and calm. Security was present around the polling stations and it was felt that officers had a positive effect on the process and were helpful where required.

However, the elections 2013 were affected by a significant level of violence, which impacted most dramatically in the city of Karachi, Balochistan and Khyber PK. While the violence in Karachi included inter-party violence, the bulk of the violence during the elections emanated from militant groups external to the elections. Three candidates were killed in targeted attacks, with well over a hundred party supporters killed and several hundreds injured.

The violence was largely, though not exclusively, due to and amongst three political parties, PPP, PML[N] and the MQM, seriously impeding their ability to campaign openly in many parts of the country and limiting their freedoms of movement and assembly. Affected parties were critical that more was not done to improve their security for the campaign and the integrity of the process in affected areas was compromised.

What was remarkable, though, was that ***despite the level of violence against the process by militants, there was a determination by political parties to remain engaged in the process and ensures it was not derailed. Also, the high turnout of voters was in spite of threats of violence and reports of actual violence.*** These two factors bode well for the further consolidation of democracy in the country.

The legal framework provided the basic conditions for credible, competitive elections and the 18th, 19th and 20th Constitutional Amendments and various electoral reforms strengthened the framework for the elections. Significantly the 18th Amendment provided for increased independence of the ECP and had increased the level of confidence in the Election Commission ***except that the candidates were hand picked by the owners of the most political parties; nepotism was seen at the peak.***

It is significant that these were the first elections held under the full treaty obligations of the UN's **International Covenant on Civil and Political Rights** [ICCPR], following Pakistan's removal of its reservations in 2010. This further helped to improve the overall legal framework for the polls and the democratic process in the country.

There was a significant increase in the number of candidates and political parties contesting these elections compared to the previous general elections. However, the time was short for candidate nominations and inconsistencies among Returning Officers (ROs) in applying legal criteria in the confirmation of candidacies.

It was widely felt that most ROs reportedly went beyond their spheres of simply administering the process. The process for the nomination of candidates caused controversies in many areas because the DROs / ROs followed CJP Chaudhry's instructions and the ECP was seen often helpless.

One of the ECP's main successes was the much improved Electoral Rolls with the help of NADRA though the shortfall of registered women voters remained to be addressed. The use of NADRA's database to create the Electoral Roll and the use of CNIC's for the purpose of voter identification had created a far more reliable list of voters compared to previous elections. ***The ECP's use of SMS to enable voters to verify their registration and identify their polling station was also an excellent innovation.***

The level of representation of women as candidates remains relatively low. For instance, while there were 60 reserved seats for women in the 342-seat National Assembly, women represented just over 3% of the total number of candidates contesting the general seats for the Assembly was 18. The level of women as registered voters also remained relatively low and despite some improvements in the number of women on the voter register and some positive initiatives by the ECP there remained, according to ECP data, a shortfall of about 10 million women compared to men on the Electoral Rolls.

The ECP issued a series of Codes of Conduct to help regulate the election campaign, media coverage, election observers and behaviour of election officials. Such an innovation is a helpful supplement to the Representation of the People Act.

On Election Day, the ECP was generally well prepared for the polls in most areas and the process was well administered. But delays and other problems were experienced in some locations, with Karachi particularly affected. There was a very large security deployment in support of the process throughout, and this was generally effective and helpful. Pak-Army and its Rangers deserved a full salute on that account.

Some polling stations struggled to deal with large numbers of assigned voters, particularly in places where the premises were too small for the task, but overall, faced with the high voter turnout; at polling station most officials worked diligently to administer the process and the new electoral roll proved to be reliable. In Karachi problems were also caused by the late delivery of materials, resulting in delays.

Towards the end of polling the ECP extended the hours of polling but this was not adequately communicated down to polling station level, leading some inconsistencies in managing this. The count at most polling stations was conducted in a transparent manner and polling agents were able to get a copy of the result at the completion of the count and the result was announced and posted. ***Such measures help transparency and accountability.***

In selecting the sites for polling stations more stern efforts could have been made to find and search for good sized premises, number of voters assigned to that polling station, ease of access for persons with disability, the elderly and other persons for whom access remained a constant issue at most polling stations.

SUGGESTION FOR IMPROVEMENT:

The following are the suggestions mainly addressed to the Parliament and the ECP. All branches of the state (the Parliament, executive offices and the judiciary) are required to work together within their constitutional competencies to support election reforms. Such reforms, based on consensus, mutual consultation, deliberation, implementation and immediate concentration - thus prompt attention was warranted.

Of the 39 recommendations made, 17 are assessed to require a change in the Constitution, laws and legislative procedures. For further 10 recommendations it would be desirable to have the suggested changes secured in the ECP's procedural framework; other state functionaries like NADRA, PEMRA and superior judiciary have also to play their roles.

It may not be out of place to mention that the **Common-wealth Observers** and the **EU Election Observation Mission**, who were here in Pakistan to overview the Elections 2013, had also made the same or similar recommendations to make the electoral system in Pakistan better.

Recommendations For The Parliament:

1. Formation of a special Parliamentary Committee on elections / electoral reforms for timely review of legislation, based on international norms of democratic process and accountability.
2. The Freedom of Information Ordinance be amended to require State parties to proactively keep on ECP's internet site all the information of public interest. Federal Government's powers to decline disclosure be removed – let the ECP go independent to decide.
3. Presidential powers in regards to approval of rules, removal of difficulty, and approval of Appellate Tribunals etc are no more needed; - no unnecessary bottle necks. The ECP should go independent instead of wasting time.

[The fact remains that basically it is the prime minister which uses those powers because the President cannot sign the document unless it carries the PM's approval first.]

- 4 There is constitutional provision for a judge of the Supreme Court to act as Commissioner in the absence of the Chief Election Commissioner [CEC]; it should be removed. Instead, the age of CEC and other members of the ECP be also limited to 65 years.
5. Parliament should review the system of reserved seats for women and minorities or professionals etc in the house. Every seat should come through ballot boxes – no special powers for winning party leaders. Separate electoral be designed for them each.
6. Consideration to be given to reviewing the system for allocating the reserved seats to the MINORITIES, so that they are directly elected by the voters and such representatives have a constituency to respond to.
7. Legislation for delimitation be reviewed to explicitly provide for nation-wide delimitation possibly using voter registration figures in the absence of updated census data. Timely delimitation be undertaken, allowing for consultation and complaints.
8. Candidacy requirements be amended to remove vague moral conditions. ROs should not be left to interpret them differently. Provisions of Articles 62 & 63 be strictly implemented during nomination process.
- 9 Implementation of Articles 62 & 63, the process should be allowed to be completed within 90 days even after elections. No stay order of any sort. High courts will decide the merits within a week through summary procedures – appeals will be decided by the SC within three days. Amendments be made in the Constitution or the laws accordingly.
10. Law be made that only ONE candidate for one seat only. Candidates be limited to running in only one constituency, national OR provincial, in the given election. It is for clarity to voters and to remove the need for subsequent by-elections.
11. The financial limitation on election expenses of candidates be reviewed, together with the financing provisions for political parties, in order to enhance transparency and accountability. The financial monitoring and enforcement capacity of the ECP be developed.
12. Freedom of expression be subject to "necessary" rather than "any reasonable restrictions imposed by law" through amendment of article 19 of the Constitution.
13. The Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance 2007; Press, Newspapers, News Agencies and Books Registration Ordinance 2007; Defamation Ordinance and number of PEMRA regulations be amended in line with Pakistan's international commitments and best practices in journalism.

14. The mandate, functioning and neutrality of future caretaker governments be more clearly defined in law. Caretaker governments should be equipped with more powers with regard to election administration – their age should not go beyond 65 years as per judges of the SC.

15. 18th Amendment in the Constitution should be re-amended to the extent of '**regular elections within the political parties**' at least. Internal party democratisation processes are required and enforcement mechanisms be developed, to enhance participation and accountability in regards to candidate nomination.

16. **Party tickets should be given to perfectly deserving candidates in each party** and decision should be taken in respective party meetings at various levels.

17. Further constitutional reforms be undertaken to enable FATA residents to enjoy fundamental political freedoms and civil rights as other citizens of Pakistan do. The 12 Parliamentarians of FATA be given adequate powers to legislate for the FATA people collectively.

Recommendations For The ECP:

18. The ECP should fully implement its Five Year Strategic Plan. In each upcoming by-election some better practice be included - regular reports be placed before the Parliament.

19. The ECP needs to ensure that on the polls-day, the election officials at all levels are able to communicate with their respective administrative officers. For instance, POs should be able to effectively communicate with ROs, possibly through an intermediary where necessary, in order to seek clarification on any matters of concern.

20. The ECP should promote voter engagement by undertaking voter education at appropriate times through regular media updates - including addressing administrative complaints, transparency and public apprehensions.

21. The ECP should take full management responsibility for the work of ROs; they should be guided from ECP and monitored - not be wholly drawn from the judiciary only. Some ROs should be at ECP's permanent strength as staff. By-elections should be done through them.

22. The ECP should work with full transparency, making all information of public interest immediately and easily accessible, including ECP decisions and notifications etc.

23. Procedures for checks on RO's assessment of candidate nominations be developed, so that all candidates are treated equally and fairly. Especially, computerised set procedure be developed to immediately scrutinize Forms 14, 15 & 16.

24. Every polling scheme be finalised as per law; any subsequent alterations due to court decisions or some dire necessity be made immediately public locally and on ECP website.

25. All ROs and polling staff be trained for consistent and correct implementation of procedures. Any last minute changes in polling staff be immediately notified and new staff be drawn from trained reserves. Counting, completion of forms and the results process training should be given priority.

26. The results management system should be further developed so that all polling station and constituency forms are swiftly transmitted to the ECP and are promptly displayed on the ECP website, as well as being displayed locally at the constituency level.

27. Special measures be taken to provide an effective electoral participation of the '**disable voters**'. Postal voting may be thought for the disables and special procedures be made to make this process fool-proof.

Recommendations For The NADRA:

28. Special efforts be undertaken to secure CNIC registration for women; targeting rural and conservative areas to increase the number of women on the electoral roll. Photographs be included on all CNICs as an anti-fraud measure; awareness campaigns for the usefulness of having photographs on CNIC be enhanced. The information be published regularly and promptly on the websites of the ECP and NADRA.

Recommendations For PEMRA:

29. In close cooperation with the ECP and Big Media Houses, PEMRA should establish efficient media monitoring units in all provinces meeting international standards, to seek legitimate and accurate information.

30. Jurisdiction and supervision over the state-owned media be transferred from Ministry of Information and Broadcasting to PEMRA. State-owned broadcasters' financial autonomy be sustained and editorial independence be further fostered by amending relevant legislation.

31. State media should develop a program to increase substantially the visibility of candidates from minority and vulnerable groups.

Recommendations For Judiciary & Courts:

32. A clear '**Summary Procedure**' system for filing administrative complaints to the ECP and petitions to the Tribunals be laid down by the Higher courts, made it public to avoid overlapping jurisdictions and win the public confidence – no stay orders beyond a week. Information should be available on ECP's website that how, where and when to complain, and also on how and when decisions are expected; complaints tracking system be introduced.

33. The independence of Appellate and Election Tribunals be strengthened through making the judges apply their minds on admissible evidence; asking them to pen down exact reasons for reaching the conclusions and decisions through whatever evidence, electronic or documentary, placed before them.

34. The legislative framework for electoral offences and penalties be reviewed to remove any unwarranted clauses, such as boycotting or non availability of advocates etc. Processes of quick justice be encouraged by appointing '**Investigating Magistrates**' as in many European countries like France and Switzerland.

35. Strict actions should be taken against agreements that prohibit women from voting. Laws be amended to explicitly provide for the ECP and Tribunals to disqualify a returned candidate straightway through summary or show-cause if there comes evidence that the candidate, or their election agent or any other person with their connivance, participated in an agreement banning women from voting or standing as candidates.

Recommendations For Women NGOs:

37. Political parties' Women Wings and independent NGOs be required to design appropriate policies and provide information on women's participation within the party, and to take additional measures to promote women's involvement. Political parties be encouraged to nominate an increased number of women candidates for general seats.

38. State media should design special ads and programs to promote women's participation in the electoral process, such as including women candidates in their election programs, asking parties about their policies related to women's active role.

Recommendations For Citizens NGOs:

39. Citizen observer groups, like '**Free and Fair Election Network**' [FAFEN], should continue to develop in organisational capacity, advocate for electoral reforms, and undertake scrutiny of by-elections and local elections and take them to media.