

# Civic Brief

Information, Knowledge and Analysis for Democracy

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# PAKISTAN



# VOTE 2013

Centre for  
Civic Education  
Pakistan



سینٹر برائے  
سوک ایجوکیشن  
پاکستان

Road to ELECTION 2013

## Civic Brief: Road to Election 2013 February-2013

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# Introduction

People of Pakistan have shown great resilience to sustain their democracy during the last 65 years by ousting at least four usurpers in uniform and frustrating many more conspiracies against their right to be governed democratically. While most of the efforts in the past had been to reclaim democratic space in 2013 the nation will go to polling booths to endorse or reject political parties on the basis of their performance.

Today the people of Pakistan genuinely expect that democracy must deliver good governance to bring them out of the quagmire of problems. Therefore, the first ever civilian-to-civilian transition without the mentoring and monitoring of powers that be in 2013 is a citizens' chance to vote-out or vote-in their representatives through free, fair and transparent elections. In this way Election-2013 will be of significant importance and have long term consequences for democratic consolidation in Pakistan.

In this regard the framework for an independent Election Commission has been improved through the 18th, 19th and 20th constitutional amendments. The incumbent Election Commission of Pakistan (ECP) enjoys institutional powers under the umbrella of the Constitution and has been constituted through a parliamentary committee with consensus. This has enhanced trust matrix vis-à-vis the ECP. Efforts have also been made to improve and computerize Electoral Rolls with the spirit of “One Computerized National Identity Card (CNIC)-One Vote” in collaboration with National Database Registration Authority (NADRA). The CNIC as a unique identifier has ended the possibilities of being registered as a voter in multiple constituencies. The Supreme Court of Pakistan in June 2012 (Constitutional Petition: 87/2011) has also directed the Election Commission of Pakistan to keep a check on excessive use of money in electioneering. Equally important is to keep an eye on the role of private independent media.

Moreover, Pakistan signed International Covenant on Civil and Political Rights (ICCPR) on 17th April 2008 and ratified it on 23rd June 2010 with certain reservations. Many of these reservations had been withdrawn on 20th September 2011. The Election 2013 will be the first after ratification of the ICCPR. The Covenant establishes following bench marks in its Article 25; that reads:

- (a) Every citizen shall have the right to take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) Every citizen shall have the right to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors
- (c) Every citizen shall have the right to have access, on general terms of equality, to public service in his country.

All these developments inspire confidence in nation's democratic electoral processes. Nevertheless, the country has a history of troubled elections characterized by the abuse of incumbency, role of intelligence agencies, influence of money, electoral violence and numerous other forms of manipulations. Therefore vigilance by civil society is of vital importance.

The Centre for Civic Education Pakistan considers it an appropriate opportunity to facilitate the citizens to make their voice heard during the democratic electoral processes by producing focused and well researched information/knowledge products that contribute towards informed choices on the polling booths. The Centre also intends to initiate a communicative dialogue between the major political parties and citizens in the pre-election phase. During the election phase the Centre will focus on monitoring of use/abuse of money, comparative analysis of manifestos/political platforms and advocacy among citizens especially, youth women and minorities to exercise their right to vote. While in the post election phase the Centre will report and reflect on the entire process and highlight lessons learnt at its annual conference on September 15, 2013 i.e. International Day of Democracy.

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## Road to Election 2013 an indigenous pre-election assessment

Pakistan is geared towards the first-ever civilian to civilian democratic electoral transition. If this bumpy road is crossed peacefully then it will be a divorce to turbulent political history of managed and manipulated transfer of power in the past. However, skepticism about some odd road blocks still dominates the political discourse and debates.

First are the alleged conspiracies to emulate the so-called Bangladesh model that envisions an interim set-up comprised of technocrats. It is a classical upper middle class prescription. The proponents of this proposition are mostly the retired generals, ex-ambassadors, former judges, retired bureaucrats, moralist journalists and former employees of international financial institutions, higher education and nuclear establishments. Some expatriates, who left the country in lurch, have also joined this chorus. The common cord in their mantra is rampant corruption and bad governance. They call for accountability before election and save the state instead of politics. They want to wind-up democracy instead of offering some wisdom to address the governance challenges in a country that is victim of war on terror and a stagnant economy.

Perhaps time has come to critically examine the final outcomes of similar rootless desires of technocratic fixations in the past. We also need to realize that even in Bangladesh finally the parliamentary politics prevailed.

The second set of conspirators are selling so-called strategic imperatives of a “soft government” in the contexts of future developments in Afghanistan, especially in 2014 after the withdrawal of United States of America. This lot fails to appreciate that democracies don't fight democracies. Rather pave way for peace. Third in the list are some constituency-less politicians who are always available for short-term political assignments. Fourth are the forces that theologically reject democratic trajectory for Pakistan. Tehrik-e-Taliban Pakistan has written a seven-page letter to prayer leaders in Pakistan that questions the very foundations of democracy as a solution to Pakistani predicament. Finally are the centrifugal forces in troubled Balochistan that consider themselves the victim of Constitution and institutional design of Pakistani federation. Militants there have embarked on anti-election campaign targeting the parties that intend to try their electoral luck in 2013.

Juxtaposed to the above mentioned trends are the organic political parties and politicians with unwavering faith in the Constitution and democratic electoral processes. What the political class, political parties and political workers had to endure in this country, had this happened to people, parties and politicians in any civilized country, democracy would have become a 'dinosaur' there since long ago.

Courtesy, such resilience the message of hope is that democracy is getting stronger in Pakistan despite all visible and invisible challenges and impediments. Citizens' quest for achieving civil liberties and fundamental rights is gaining ground. Besides proactive and

independent judiciary the influence and access vibrant media is contributing to expand political and constitutional literacy in the country. There are many more reasons to be optimistic. The structural imperatives for free and fair elections have been improved. The constitutional commands regarding the ECP and neutral caretakers have reduced the possibilities of rigging significantly. Political Party Order has been extended to Federally Administered Tribal Areas (FATA) which is a major political reform after the introduction of adult franchise there in 1997. Youth bulge being experienced by the country will find a political expression as majority of it will exercise their right to vote for the first time.

### Box I: What will be different this time?

S. No	Structural issues	Possible impact
1	Independent and institutionalized Election Commission of Pakistan.	Transparent and proactive approach along with creative use of information and Communication technologies.
2	Neutral caretaker governments at the Federal and provincial levels.	Unbiased referees
3	Independent private media/Social media	Possibility of political debates in a pluralist idiom
4	Level playing field for 227 political parties, though majority of them don't contest election, as there are no political prisoners in the country.	Minimized risk of boycott of election and chances of a healthy electoral competition.
5	Civilian to civilian democratic transition	Next assemblies to meet within 21-day after the election and with constitutional restrictions to parachute to other parties there are genuine chances of democratic transition.

Contrary to the past, the incumbent Parliament has proved with matchless display of political maturity and consensus that only democracy can bring about positive change in Pakistani state, system and the society. Therefore a general sense of excitement for the upcoming elections regardless of fear of terrorism, threats of target killings, deteriorating law and order situation, failing economy and worsening energy crises indicate the people-bitten in the past by dictatorships- want continuation of democracy.

This Civic Brief examines and analyzes pre-election environment, constitutional position, variables which might influence the electoral process, challenges, hopes and issues in the backdrop of the upcoming general elections in 2013. The purpose of this paper is to identify possible challenges and present recommendations for their solution so that the government, the opposition parties, concerned state institutions and the people concerned can play their due role, more effectively.

## A. When would the Election-2013 take place?

Article 224: Time of election and by-election.

*[(1) A general election to the National Assembly or a Provincial Assembly shall be held within a period of sixty days immediately following the day on which the term of the Assembly is due to expire, unless the Assembly has been sooner dissolved, and the results of the election shall be declared not later than fourteen days before that day]*

*[(1A) On dissolution of the Assembly on completion of its term, or in case it is dissolved under Article 58 or Article 112, the President, or the Governor, as the case may be, shall appoint a care-taker Cabinet:*

*Provided that the care-taker Prime Minister shall be [appointed] by the President in consultation with the Prime Minister and the Leader of the Opposition in the outgoing National Assembly, and a care-taker Chief Minister shall be appointed by the Governor in consultation with the Chief Minister and the Leader of the Opposition in the outgoing Provincial Assembly:*

*[Provided further that if the Prime Minister or a Chief Minister and their respective Leader of the Opposition do not agree on any person to be appointed as a care-taker Prime Minister or the care-taker Chief Minister, as the case may be, the provisions of Article 224A shall be followed:]*

*Provided [also] that the Members of the Federal and Provincial care-taker Cabinets shall be appointed on the advice of the care-taker Prime Minister or the care-taker Chief Minister, as the case may be.]*

*[(1B) Members of the care-taker Cabinets including the care-taker Prime Minister and the care-taker Chief Minister and their immediate family members shall not be eligible to contest the immediately following elections to such Assemblies.*

*Explanation:- In this clause "immediate family members" means spouse and children.]*

*(2) When the National Assembly or a Provincial Assembly is dissolved, a general election to the Assembly shall be held within a period of ninety days after the dissolution, and the results of the election shall be declared not later than fourteen days after the conclusion of the polls.*

*(3) An election to fill the seats in the Senate which are to become vacant on the expiration of the term of the members of the Senate shall be held not earlier than thirty days immediately preceding the day on which the vacancies are due to occur.*

*(4) When, except by dissolution of the National Assembly or a Provincial Assembly, a [ \* \* ] seat in*

*any such Assembly has become vacant not later than one hundred and twenty days before the term of that Assembly is due to expire, an election to fill the seat shall be held within sixty days from the occurrence of the vacancy.*

*(5) When a seat in the Senate has become vacant, an election to fill the seat shall be held within thirty days from the occurrence of the vacancy.*

*[(6) When a seat reserved for women or non-Muslims in the National Assembly or a Provincial Assembly falls vacant, on account of death, resignation or disqualification of a member, it shall be filled by the next person in order of precedence from the party list of the candidates to be submitted to the Election Commission by the political party whose member has vacated such seat*

*[Provided that if at any time the party list is exhausted, the concerned political party may submit a name for any vacancy which may occur thereafter.]*

*[Constitution of Pakistan, 1973]*

A serious reading and interpretation of this command of the Constitution leaves no doubt that upon completion of the term of National Assembly on March 16, 2013 the election has to be held before May 15, 2013 i.e. within 60-day and in case of premature dissolution the election has to be held within 90-day.

However, there is a possibility of not having the National and provincial elections on the same day, as has been the tradition since 1997. If so it will be due to the fact that after Election-2008 the National and the provincial assemblies commenced their parliamentary life on different dates. And, therefore, tenure of these assemblies will not end the same day. Rather the situation is as following:

- ▶ The National Assembly would complete its term on March 16, 2013.
- ▶ The Khyber Pakhtunkhwa Assembly would finish its term on March 27, 2013.
- ▶ Tenure of the Sindh Assembly would come to an end on April 3, 2013.
- ▶ The Balochistan Assembly would reach conclusion of its term on April 6, 2013.
- ▶ Lastly, the Punjab Assembly would have its term ended on April 7, 2013.

It was in 1997 that the then caretaker government decided to conduct the elections for the National and the Provincial Assemblies on the same day, for the first time in the country's history. Same happened in 2002 and 2008 general elections. The pretext was to reduce expenses on conduct of elections and avoid possible parochial influences. Now the arbitrary clauses like controversial 58 (2-b) and 112 (2-b) that used to axe the National and a Provincial Assembly in the discretion of the President and the Governors respectively are no more part of the Constitution after the 18th Amendment. This situation might create a possible complication. The coalition governments in the federation, Khyber Pakhtunkhwa and Sindh may agree to dissolve the assemblies on the same day. Balochistan's situation is peculiar after imposition of Governor Rule on January 13, 2013. But except for the National Assembly, all three provincial assemblies would be considered prematurely dissolved. In that case whether the elections for them would be held within 60 days or 90 days remains a tricky question. The major opposition party Pakistan Muslim League-Nawaz holds the key in Punjab as the Punjab Assembly may exclusively like to exercise its right of completing its constitutional term.

## Box II: Significance of 2013-transition all around

S. No	Month	Developments
1	May/June	National and provincial elections
2	July 7-August 6	Election of the President according to Article 41 of the Constitution
3	November	Appointment of the new Chief of the Army Staff
4	December	Appointment of the new Chief Justice of Pakistan
5	?	Local government elections

## Box III: Elections in Pakistan

S. No	Elections based on adult franchise	Date		Joint or separate electorate	Turnout
		National	Provincial		
1	1970	December 7, 1970	December 17 1970	Joint	59.8 %
2	1977	March 7, 1977	March 10, 1977	Joint	55.02%
3	1985 [Party-less]	February 25, 1985	February 28, 1985	Separate	59.8 %
4	1988	November 16, 1988	November 19, 1988	Separate	43.07%
5	1990	October 24, 1990	October 27, 1990	Separate	45.46%
6	1993	October 06, 1993	October 09, 1993	Separate	40.28%
7	1997	February 03, 1997	With national	Separate	35.17%
8	2002	October 10, 2002	With national	Joint	41.8%
9	2008	February 18, 2008	With national	Joint	44.27%

### Recommendations

1. The ruling and opposition parties at the federal and provincial level should initiate a meaningful dialogue to evolve consensus on dissolution of the National and Provincial Assemblies together so that the elections are held on the same day in the entire country.
2. In order to avoid the constitutional glitch, the Parliament can take a lead to introduce a consensus-based formula/mechanism to hold elections on the same day in the future.

## B. Empowered Election Commission of Pakistan

The 18th and 20th constitutional amendments empowered the Election Commission of Pakistan (ECP) to be an independent institution with democratically appointed Chief Election Commissioner and permanent members from all the four federating units through a parliamentary process. These amendments also introduced the concept of 'institutional powers' for the Commission. It is a departure from the culture of handpicked commissions in the past that used to rig or fix the elections on behalf of the regime. Resultantly the 'trust matrix' vis-à-vis this institution of significant importance for Pakistani democracy has increased. Before the Qadri chaos in December-2012 it was unprecedented in our history that all shades of political opinion acknowledged this fact and reposed their confidence in the ECP. This certifies that the culture of designing and strengthening institutions via the Parliament after the 18th Amendment is yielding its dividend.

Even before these constitutional changes the ECP had embarked on a Five-year Strategic Plan (2010-2014) to drastically reform itself. Cooperation vectors of the Commission with other institutions like the civil registry National Database Registration Authority (NADRA) to prepare error-free computerized electoral rolls and communication vectors with major political parties, civil society organizations and the media have also improved. The current ECP is an open, engaging, transparent, assertive and proactive institution. The ECP has started making best use of Information and Communication Technologies (ICTs) as well. It consulted in a meaningful manner with the political parties before finalizing the Code of Conduct for Election 2013 and involved civil society in its work. For first time in the history of Pakistan the ECP declared and observed October 17 as a “National Voter's Day” to mobilize eligible voters to register, raise understanding of electoral processes, and urge them to exercise their right to vote in future elections. In this way democratic civic education has become a permanent feature of the ECP work. One can claim with a degree of confidence that the working culture of the ECP is transforming for better. However, the real litmus test for the new ECP will be the confidence of all political competitors in the outcome of the Election-2013.

### **The institution and its mandate:**

The Election Commission of Pakistan (ECP) came into being on 23rd March, 1956. In the Constitution of 1956: Article 137 provided for the Election Commission comprising Chief

Election Commissioner/Chairman of the Commission and such number of Election Commissioners as may be determined by the President. First Chief Election Commissioner was appointed on 25th June, 1956. The term of office of the Chief Election Commissioner was five years with upper age limit of 65 years.

The ECP was charged with duties of preparation of electoral rolls, their annual revision and organizing and conducting elections to Assemblies. The Constitution provided for election to National and Provincial assemblies on the basis of adult franchise. A separate institution 'Delimitation Commission' was also provided for delimitation of electoral constituencies.

In 1958, upon imposition of Martial Law the Commission ceased to exist. The Constitution of 1962, provided for election of members of the National and Provincial Assemblies through an electoral college consisting of 80,000 Basic Democracy Members. This time Chief Election Commissioner was to be appointed by the President of Pakistan for a term of three years. The Commission had two Members, one each from the West and the East Pakistan. In 1969, the Election Commission continued working on the basis of the "Provisional Constitution Order" and adult franchise was re-introduced. The 1973 Constitution provided for an Election Commission consisting of Chief Election Commissioner and two Members, who were to be the Judges of High Courts. The number of Members of the Election Commission was later raised to four. ([www.ecp.gov.pk](http://www.ecp.gov.pk))

### Changes brought by the 18th Amendment:

There are about fifteen articles in Part-VIII of the Constitution of Pakistan that deal with the Election Commission, electoral laws and conduct of elections. Out of these eleven had been amended through the 18th, 19th and the 20th amendments. The Second Schedule of the Constitution deals with the election of President and it has also been amended. There are at least nine other articles of the Constitution that have direct or indirect bearing on the elections. The 18th Amendment either substituted or amended all of these articles. These constitutional changes testify the democratic desire to improve the framework for the Election. Following are the major changes:

- ▶ The Presidential discretion has been omitted in appointment of the Chief Election Commissioner (CEC).
- ▶ The Prime Minister shall in consultation with the Leader of the Opposition in the National Assembly, forward three names for appointment of the Commissioner and a member to a Parliamentary Committee for hearing and confirmation of any one person. In case of no consensus each one will send separate lists to the Parliamentary Committee for consideration.
- ▶ Maximum 12 members (one third from the Senate, 50% Treasury and 50% Opposition parties. If the National Assembly is dissolved and a vacancy occurs the Committee will be comprised of the members from the Senate) Parliamentary Committee to be constituted by the Speaker.
- ▶ Term to hold the office of the CEC or a member has been fixed as five-year. Earlier the term for the CEC was three year with a possibility of extension by a resolution of the National Assembly.

## Box IV Excerpts from the work of Parliamentary Committee on Constitutional Reforms

### Election related policy recommendation:

▶ Article 225: The Government may specify a period of 90 days for the Tribunal to complete the trial in the Representation of the People Act, 1976 and that a consequential penalty on the Parties be imposed for any delay.

▶ Article 247: It proposed that the Government should take immediate steps to implement the reforms announced by the President in respect of FATA, particularly, providing opportunities to the National Political Parties to organize their activities in that area.

### Election related Notes of Reiteration by Political Parties

S. No	Leader/Party	Context
1	Senator Haji Adeel and Senator Afrasiab Khattak (ANP)	<ul style="list-style-type: none"> <li>▶ The age for national assembly membership shall be increased to 30 years and for the Senate to 40 years.</li> <li>▶ President of Pakistan shall be elected on a rotational basis from all federating units and the condition of being Muslim shall be removed.</li> </ul>
2	Dr. Farooq Sattar, Haider Abbas Rizvi (MQM)	<ul style="list-style-type: none"> <li>▶ Overseas Pakistanis be given political rights and representation.</li> </ul>
3	Prof. Khurshid Ahmad (JIP)	<ul style="list-style-type: none"> <li>▶ Senate is elected indirectly parties can award tickets to minorities, therefore no need for reserve seats for them.</li> <li>▶ The Senate shall be directly elected (proportional representation). It shall have role in the election of the Prime Minister and adoption of Money Bill.</li> </ul>
4	Senator Wasim Sajjad-PML-Q	<ul style="list-style-type: none"> <li>▶ The right of a person to contest from several seats be curtailed.</li> </ul>

It is pertinent to mention that the Parliament has yet to synchronize the corresponding legislation with the constitutional changes. On 19th December 2012 a bill was introduced in the National Assembly to realize this objective. But no tangible progress has been made on it.

## C. Judicialization of electoral reform

The Supreme Court of Pakistan and various High Courts while entertaining several constitutional petitions pertaining to the quality of electoral rolls, re-verification of voters in Karachi, registration of eunuchs as voters, right of vote for expatriate Pakistanis, issues related to dual nationality holders, fake degrees of the legislators, election expenses, and delimitations of constituencies in Karachi etc have judicialized the process of long awaited electoral reforms.

The opinion is divided about the efficacy of reforms through the judicial process. We at the Centre consider that electoral reforms primarily belong to the political realm. The Parliament must take lead to internalize the constitutional changes that it introduced through the 18th, 19th and 20th amendments and immediately address lacunas in subordinate legislation. Secondly, some people say that the Supreme Court's frequent instructions to the ECP-an independent constitutional body, are like an unnecessary intervention in the affairs of the later. This chunk of opinion maintains that preparing electoral rolls or the code of conduct and relevant electoral rules are the sole prerogative of the ECP and to provide legal cover to them is the mandate of the Parliament.

Nevertheless the Supreme Court of Pakistan has finally announced its verdict in Asghar Khan Case (Human Rights Petition: 19/1996). The case was about providing money to selected parties and politicians to manipulate 1990 Election by intelligence agencies. As a follow-up the Apex court also picked up media reports about alleged abuse of taxpayers' money against a provincial government in 2008-9. These developments might serve as deterrence against the traditional manipulative role of the intelligence apparatus in engineering pro-establishment political arithmetic. The Supreme Court has also rejected the plea of a religious cleric to dissolve the ECP in February 2013. These developments reflect that for first time in country's turbulent political history the Apex Court is on the side of democracy.

## D. Security challenges

Since 2001 Pakistan is practically a country that is fighting a full-fledged war against extremism and terrorism. Many political leaders and workers have lost their lives in this war because the proponents of extremism theologically reject Pakistani democracy and constitutionalism. Now many ethnic fault-lines have also emerged. Therefore maintaining law and order during the general elections especially in Khyber Pakhtunkhwa, Balochistan, and the Federally Administered Tribal Areas (FATA), in particular, and rest of the country, in general, would pose the foremost challenge. Situation in Sindh especially in Karachi after Lyari operations, and urban-rural conflict on the Sindh Local Government Act-2012 will be equally challenging.

The National Assembly constituency of Waziristan i.e. NA-42 had been without any representation since 2008. It would be rather difficult to hold the general elections peacefully given the acts of terrorism, target killing, kidnapping of citizens, abundance of illegal weapons and provincial, linguistic and sectarian biases. All the national institutions will have to work in unison to deal with the challenge. This time majority of the challenges come from 'non-state actors' and will put to test the government capacity to maintain law and order to ensure peaceful elections.

## E. Late awakening

During the closing months of the current Parliament, a Special Committee of the Senate on Election Issues has been created. This multi party committee headed by Senator Jehangir Badar is reviewing different aspects including the legislative framework for the upcoming elections. The Committee created a history by holding a Public Hearing in October 2012 to seek recommendations from the civil society, especially those engaged with election related issues and development of democracy in Pakistan. The Committee and the ECP have worked together to prepare and finalize Code of Conduct for Election-2013. Similarly, the federal cabinet has approved the draft to amended election related laws and rules to make them compatible with the imperatives of the 18th and 20th constitutional amendments.

The wish list for electoral reforms through effective legislation is pretty long. No one can deny that much more is required to be done. But it will be prudent to go for only the essential and feasible things, especially to synchronize the constitutional commands with the corresponding legislation and provide legal cover to the Code of Conduct by amending the Representation of the Peoples Act-1976.

There are about fourteen laws, rules and orders that ordain nation's electoral processes. Surprisingly almost half of them are the products of military era. The Parliament has never tried to democratize them. There had also been a demand from the civil society to codify all scattered laws, rules and orders in to a unified and easy to comprehend electoral law. It will be more prudent to revisit and reform these laws in the next Parliament after in-depth debate and discussion.

Major laws related to the conduct of elections to the National and Provincial Assemblies are:

- ▶ The Representation of the People Act, 1976 and the Representation of the People (Conduct of Election) Rules, 1977.
- ▶ Election to the Senate (Upper House) is held according to the relevant legal provisions contained in the Senate (Election) Act, 1975, the Senate (Members from Federal Capital) Order, 1985 and 1988 and the Senate (Election) Rules, 1975.
- ▶ The Electoral Rolls Act, 1974 and the Electoral Rolls Rules, 1974 deal with preparation, annual revision, amendment and maintenance of the lists of voters. [Amended on 5th May 2011 to make CNIC mandatory to be registered as a voter].
- ▶ The constituencies of the National and Provincial Assemblies are demarcated in accordance with the provisions of the Delimitation of Constituencies Act, 1974.
- ▶ The procedure for election to the office of the President is contained in the Second Schedule to the Constitution read with the Presidential Election Rules, 1988.
- ▶ The Election Commission Order, 2002 (Chief Executive's Order No. 1 of 2002) Dated 14th January, 2002.
- ▶ The Conduct of General Elections Order, 2002 (Chief Executive's Order No. 7 of 2002)
- ▶ The Political Parties Order, 2002 (Chief Executive's Order No. 18 of 2002)
- ▶ The Political Parties Rules, 2002
- ▶ The Allocation of Symbols Order, 2002
- ▶ The National Assembly and provincial Assemblies, Allocation of Reserved seats for women and Non-Muslims (Procedure) Rules, 2002.
- ▶ Procedure for Trial of Election Petitions relating to General Elections, 1985

## F. Caretaker government

In light of the 18th and 20th constitutional amendments constituting a caretaker government is not something complicated with the expiry of National and Provincial Assemblies term. In Balochistan governor rule had been imposed and the opposition is comprised of only one or two legislators. In Sindh as well there is no one as a properly designated Leader of the Opposition. Keeping in view the role of the opposition in constitution of the caretaker Prime Minister and Chief Ministers this issue requires immediate attention.

After the constitutional amendments the members of the caretaker government and their family members are not allowed to participate in the general elections and subsequent bye-elections, but there are apprehensions that the caretaker government may transgress its constitutional duty to hold election and take steps to either delay the elections or pave way for any unconstitutional adventure. Someone may use the caretaker government as a tool or it can perpetuate its rule in collusion with other interest groups under the pretext of unfavorable circumstances.

Therefore it is utmost important for the government and the opposition to recommend, after thorough scrutiny, the names of honest, clean and sincere people for the office of Caretaker Prime Minister who would not backstab the democracy. If party or personal interests are preferred in the appointment of Caretaker Prime Minister who, as being feared, murders the public expectations, the national political leadership would be responsible. And it would be evident that it is incapable of leading the country.

The Article 224-A Constitution says Leader of the House and the Opposition Leader in the respective assemblies would appoint caretaker Prime Minister and Chief Ministers with consensus. In case of disagreement, they would send their proposed names to a parliamentary committee that is to be set up in the National and respective Provincial Assemblies to deal with the likely situation. If the agreement is not reached at the committee level as well, the same proposed names would be referred to the ECP that is authorized to finalize any of the given names.

### Recommendations:

1. In order to protect democracy from the threats, it is appropriate that Parliament should introduce an amendment restricting the caretaker governments to conduct the elections within the prescribed time, no matter what the circumstances look like.
2. The caretaker governments must be retrained from extending their own tenure or get it done through any other institution.
3. The amendment should also restrict the courts to offer any relief to the caretaker government that may cause delay in the elections; or the caretaker government hinders the smooth transition of power or conspires to prolong its tenure.
4. To guarantee the holding of elections within the set time frame and transition of power to the new elected government, the following clause is inevitable in the proposed amendment:

“If a caretaker government oversteps its constitutional mandate or the judiciary empowers it to do so, both shall be charged with sedition and punished under Article 6 of the Constitution.”

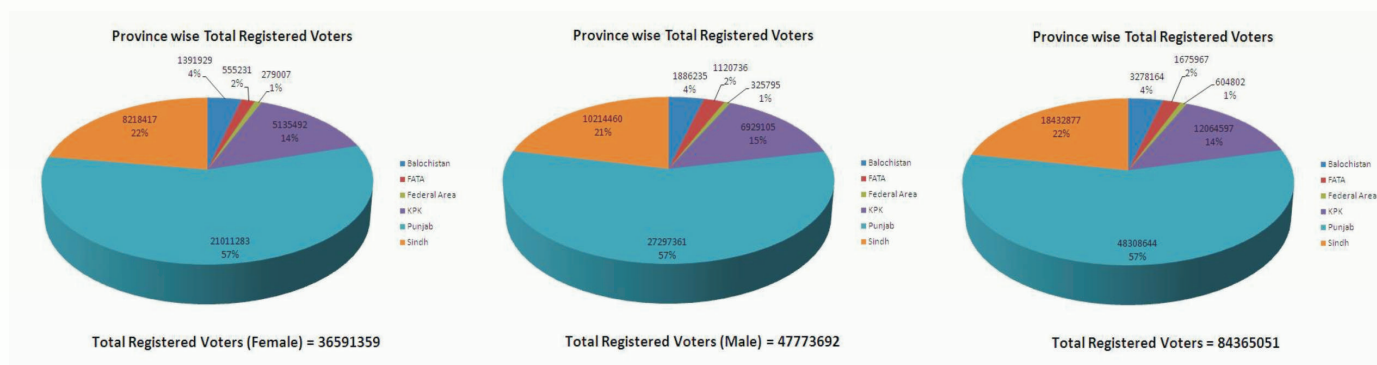
## Eligibility to be a voter:

- ▶ 18 years and above in age,
- ▶ Not declared by a competent court to be of unsound mind,
- ▶ Holds Computerized National Identity Card (CNIC) issued by National Database and Registration Authority (NADRA), and
- ▶ Registered on the Electoral Rolls in a particular area.

Elections to the general seats of the National and the Provincial Assemblies are held on the basis of first-past-the-post system. However, elections to the seats reserved for women and minorities will be on a party list system.

Indirect election to the Senate of Pakistan is conducted on the basis of proportional representation by means of single transferable vote.

AGE-WISE Final Electoral Rolls - 2012	
Age 18 to 25 =	16,210,129 (16.2 million)
Age 26 to 35 =	23,893,758 (23.8 million)
Age 36 to 45 =	17,086,529 (17.0 million)
Age 46 to 55 =	11,961,594 (11.9 million)
Age 56 to 65 =	8,443,076 (8.4 million)
Age Above 65 =	6,769,976 (6.7 million)
<b>TOTAL =</b>	<b>84,365,062 (84.3 million)</b>



source: www.ecp.gov.pk

Fundamental Rights Diversity Federalism

Peace Pluralism Civic Society Rule of Law

Constitutionalism Civic Education Civic Activism

Good governance Right to Information

TOLERANCE, Democracy, Free & Fair Election

## *Cultivating Civic Culture*

The mission of the Center for Civic Education Pakistan is to cultivate civic culture by promoting values of responsible citizenship and principles of democracy.

Centre for Civic Education Pakistan is an independent educational institution that works to cultivate civic culture. The Centre is not for profit and non-partisan initiative.

The Centre undertakes policy research, offers training courses and facilitates debate and dialogue. Its programs focus on fundamental rights and spirit of the Constitution, democratic development and institutions in Pakistan. These efforts are aimed at encouraging critical and creative ways of thinking and stimulating civic activism to promote pluralism, rule of law and good governance.

Centre for Civic Education Pakistan has been recognized as a Research and Development organization in the field of social sciences by Higher Education Commission and is member of Civitas International and World Movement for Democracy.