

# ELECTIONS IN PAKISTAN

**Safdar Hasan Siddiqi**

## IMPORTANCE OF FAIR ELECTIONS

### HOW TO ACHIEVE TRANSPARENT ELECTIONS?

Safdar Hasan Siddiqi

The objective of elections, among other things, should be to loosen the hold of the vested interests over state power, ending the existing class-oriented society and the hold of a few over the means of production and devolving maximum power from the center to the provinces and local bodies.

It is imperative that a level playing field is provided to all political parties, and no restrictions, whatsoever, are laid on leaders of any political party for participation in elections, if democracy is to play an effective role in the social, political and economic spheres of the country. Unless fair elections are ensured in every way in Pakistan, there is no chance for democracy to establish itself and flourish.

It is essential to ensure free elections through 3-month-long large-scale dissemination among the people at the lower and middle strata of society of the requisites for fair elections, by the Election Commission and the political parties, in order to prepare them for their effective participation in elections.

These requisites are:

- 1) Making elections very much less expensive by (a) banning the use of banners, bill-boards, neon-signs, print and TV ads and wall-chalking, and by substantially reducing the election fee so as to enable candidates from the lower income groups to be elected for assemblies and all segments of society could get due share in the power structure.
- 2) Reducing election expenses to Rs. 20,000.
- 3) Allocating common places in each constituency for holding election meetings.
- 4) Making obligatory strict observation of Code of Conduct for elections, and disqualifying violators from taking part in elections.
- 5) Publishing by the Election Commission of constituency-wise posters giving names of candidates and their political parties along

- with their election symbols, and displaying them at notified public places and outside the election offices and polling stations.
- 6) Banning the use of loudspeakers for election campaigning on vehicles, restricting their use to public meetings.
  - 7) Allowing only handbills and 4-page pamphlets for introducing candidates in their constituencies in door-to-door campaigns.
  - 8) Disallowing transportation of voters in hired vehicles on the polling day, and serving food and soft drinks in polling camps.
  - 9) Increasing number of polling stations and placing them at central places for voters' convenience. One polling station for not more than five thousand voters be set up. The seats in the provincial and central assemblies should be increased accordingly
  - 10) Provision of facilities to political parties for placing their policies and programmes before the electorate through television and radio.
  - 11) Authorization of voters of all constituencies to call back any elected candidate who loses confidence of the electors after one year's performance.
  - 12) Disallowing political parties and their candidates from printing and distributing slanderous material, and use abusive language against other political parties and candidates.
  - 13) Disallowing use of religious slogans during election campaigns. Allowing expression of views with reference to public issues only.
  - 14) Broadcasting unbiased election related dramas on radio and television by the Election Commission.
  - 15) Computerizing the Voters' list and clearing it of all bogus voters, and supplying copies to all registered political parties.
  - 16) Allowing all voters entered in the voters' list to vote, and allowing identification of voters by means of other than identity cards such as passports, driving license, tax registration numbers.
  - 17) Revising the electoral list every year, and adding 2 crore voters in private jails of jagirdars and those living in the villages under the tutelage sardars and big landlords, especially the women who are not allowed by them to get themselves enlisted as voters.
  - 18) Making obligatory the election of all office-bearers of political parties.
  - 19) Giving funds by the state to registered political parties according to the percent of votes secured by political parties in the last elections.

- 20) Holding elections by a caretaker government that would not include members of the sitting government or their close relatives, and formed by consensus of the contesting parties.
- 21) Re-constituting the Election Commission and making it fully independent in administrative, legal and financial powers, not appointed by the incumbent government but with the consent of the opposition.
- 22) Making the judiciary fully independent of the PCO, making the members of the judiciary take a fresh oath on the original 1973 Constitution.
- 23) Holding elections in two phases for enabling candidates securing more than 50 per cent of polled votes to be declared elected. Allowing only the first two candidates securing the highest number of votes to take part in the second round.
- 24) Fixing the period for national and provincial assemblies at 4 years and that of the Senate at 6 years
- 25) Holding election to the Senate on the basis of direct elections.

Unless the above requisites are secured the possibility of holding fair elections is bleak.

Considered comments on the above proposals by you is solicited within one week. It will assist us in starting a campaign for holding transparent elections, which is a sine qua non for good governance. It will be appreciated if you will amend these proposals or add some more.

## **ROPOSALS FOR HOLDING FAIR, FREE AND TRANSPARENT ELECTIONS**

**Prior to the holding of elections, the following steps should be taken:**

1. The elections scheduled for January 8 should be postponed for two months and, in the meantime, a Caretaker Government and a fully independent, legally empowered and financially secured Election Commission should be formed by mutual consent of the government and opposition parties.

2. An atmosphere of goodwill and credence should be created between the ruling and opposition parties, in the interest of the country, for initiating dialogue between them in this regard because a democratic set-up, to be effective and fruitful, requires a guaranteed process of fair, free and transparent elections that may truly reflect the will of the people.

3. The emergency imposed on November 3 should be lifted and the PCO withdrawn. The Judges of the supreme and high courts should be immediately restored.

**The following targets should be fixed for good governance:**

1. Ending the existing class society and the status quo.
2. Loosening the hold of the vested interests over state power.
3. Enabling all the people to utilize the means of production to their benefit to the best of their ability, and to participate equally in the affairs of the state for developing the society.
4. Bringing down the disparity in incomes to the minimum level.
5. Removing poverty, allaying unemployment, arranging good education and health for the people.
6. 6. Enabling the rule of law and justice to prevail.

**The following steps should be taken, on a long-term basis, for good governance:**

1. Life of national and provincial assemblies should be reduced from 5 years to 4 years and that of the Senate from 6 to 5 years.
2. The number of seats of the national and provincial assemblies should be fixed at 1 seat for 3 lacs population.
3. Maximum powers should be devolved to the provinces from the federation.

4. A permanent and fully empowered Accountability Commission should be set up to receive public complaints and take decisions thereon, authorizing it to take *suomoto* action against corruption.
5. It should be made mandatory for political parties to have internal democracy and collective leadership rather than patrimonial leadership. They should also maintain membership registers and keep proper accounts. Their candidates for election should also be made to submit documents regarding their educational status, annual income, personal assets and the amounts paid as taxes and the value of unpaid taxes. Submission of affidavits to the effect that they have not been convicted under any criminal law should also be made mandatory
6. It should be made essential for political parties desiring participation in elections for the national assembly to have branches in all the provinces.
7. The candidates should not be allowed to stand from more than one constituency. The prevailing way of multiple constituencies should be discontinued.
8. Those having branches only in one or few provinces should only be allowed to  
take part in elections for the provinces in which they have branches.
9. Elections to the national and provincial assemblies should be held only on party basis and on the basis of joint-electorate.
10. Elections to the Senate should be held directly, while seats should be reserved for writers, journalists, scientists, technocrats, traders, industrialists, workers and *kissans*.
11. The 1973 Constitution should be restored to its original form because it has been disfigured beyond recognition by wrong amendments. Any useful amendments to the constitution could be made by a truly elected parliament.

**The following steps should be taken to ensure free, fair and transparent elections:**

1. In order to determine the credibility of the candidate the following criteria should be fixed:
  - (a) He is not convicted by a court of law for any criminal offence.
  - (b) He is not a tax-defaulter.

(c) He does not have a bad record of disservice to society.

(d) He has a bad reputation of being rude, abusive and oppressive.

(e) He is morally sound.

2. Political parties and their candidates should be debarred from printing slanderous material, or use abusive language, against other political parties or their candidates, or use racial, sectarian or religious slogans or accuse each other of being enemies of Pakistan and Islam. Candidature of those indulging in such activities should be cancelled.
3. All aspects relating to elections should be discussed in the print and electronic media and in seminars all over the country so that people evince keen interest in elections and the voters participate in elections in large numbers.
4. The voters should be given the right to recall their candidates in case they are not satisfied with their performance or they find them indulging in corruption, murder etc.
5. Election expenses should be reduced to the bare minimum in order to make elections an affordable exercise for the lower and middle classes. The limit on election expenses should be fixed at rupees 20,000/-.
6. Posters, billboards, neon signs, wall-chalking and advertisement in print and electronic media should be disallowed. Instead, it should be made the responsibility of the Election Commission to publish posters constituency-wise, giving the names of candidates, their election symbols and the names of their political parties, and displaying these outside the election offices and duly notified public places.
7. Only handbills and 4-8 page pamphlets should be allowed to be published by candidates for use during personal contacts with the voters in their constituencies.
8. The number of polling stations should be increased, and placed at easily accessible places so that the voters could walk down to them.
9. A total ban should be imposed on transporting voters to the polling stations on hired vehicles, and on offering food and soft drinks in polling camps, except plain water.

10. The number of polling stations should be increased, and placed at easily accessible places so that the voters could walk down to them.
11. The candidates and political parties should be provided with facilities to present their policies and programmes through the electronic media.
12. Persons polling fake votes should be arrested on the spot.
13. Candidates or their polling agents should not be arrested after the announcement of the election dates, except when they commit a capital offence, so as to enable them to perform their work unhindered.
14. The ballot boxes should be of transparent material. The ballot boxes should remain in the view of the polling agents and should not be removed to another room. The counting should be done immediately after the closing of polls and the results announced immediately thereafter. It should be made mandatory for polling officers of each polling station, and the polling agents present, to sign the result-sheets, and copies of it should be given to the polling agents of candidates.
15. A consolidated list of the polling results of each constituency should be prepared by the Returning Officer of each constituency and sent thereafter to the Provincial Election Commissioners for onward transmission to the Chief Election Commissioner for final declaration of election results.
16. Only those candidates should be declared elected who have secured more than 50 per cent of the polled votes. To determine this, the elections should be held in two phases. The first phase of elections should be reserved to determine the eligibility of political parties and their candidates for participation in the second phase of elections. Those political parties which are unable to obtain 10 per cent of the total polled votes, and those candidates who do not attain the first two positions in the first phase should not be allowed to participate in the second final phase of elections. The holding of election in two phases is essential to establish true democratic character of the elections.



17. The Election Commission should publish a priced booklet on election rules and regulations for the guidance of election and polling agents.

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December 5, 2007.  
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## **SALIENT FEATURES OF ELECTORAL REFORMS**

Safdar Hasan Siddiqi

A democratic setup to be effective and fruitful requires a guaranteed process of fair, free and transparent elections that may reflect truly the will of the people at the various levels of society.

### **Targets of Elections**

1. Ending the existing class society.
2. Loosening the hold of the vested interests over state power.
3. Enabling all the people to utilize the means of production to the best of their ability, and to participate effectively in the development of society.
4. Bringing down the disparity in incomes to the minimum level.
5. Enabling the rule of law and justice to prevail.

### **Essential Steps for Better Results Through Elections**

1. Making the Election Commission fully independent and financially secure, and giving it judicial powers. Appointment of the Chief Election Commissioner to be made by the National Assembly.
2. Reducing the life of national and provincial assemblies from 4 to 3 years and that of the Senate from 6 to 4 years.
3. Increasing the seats of the national and provincial assemblies in the ratio of 1 seat for 3 lacs population.
4. Devolving maximum power from the federation to the provinces and local bodies.
5. Setting up a permanent and fully empowered Accountability Commission to receive public complaints and take decisions thereon, authorizing it to take *suomoto* action against corrupt and inefficient people.
6. Making it essential for political parties desiring participation in elections for the national assembly to establish branches in all the provinces. Those having branches only in the provinces should be allowed to take part only in the elections of the province/provinces in which they have branches..

7. Making it mandatory for political parties to have internal democracy and collective leadership, rather than personal or patrimonial leadership. They should also maintain membership registers and keep proper accounts. Also making it mandatory on their candidates to submit documents regarding the educational status, annual income, personal assets, the amount of taxes paid and value of unpaid taxes. Submission of affidavits to the effect that they have not been convicted under any criminal law and that no criminal case is pending against him in any court, should also be made obligatory.
8. Disallowing political parties and their candidates to print and distribute slanderous material, or use abusive language, against other political parties or their candidates or use racial, sectarian or religious slogans, or accuse others of being enemies of Pakistan and Islam. The word "Islam" should not be used as a political slogan in elections. Candidature of those indulging in such activities should be made liable to cancellation.
9. Disallowing independent candidates from participating in elections as they contribute to de-stabilizing governments.
10. Thoroughly discussing all aspects relating to elections in print and electronic media and in seminars all over the country, so that people come to evince keen interest in elections and the voters participate in elections with zeal and in large numbers.
11. Holding elections at the national and provincial levels on party basis and on the basis of joint electorate.
12. Giving in trusteeship by the state luminaries—the President, the Prime Minister and the Chief Ministers—of all their assets.
13. Arranging direct elections to the Senate while reserving seats for writers, journalists, scientists, technocrats, traders, industrialists, workers and *kissans*.
14. Giving the right to voters to recall their candidates in the assemblies in case they are not performing their duties well or are indulging in corruption, murder etc.
15. Broadcasting dramas and scripts on elections through television and radio.
16. Reducing election expenses to the bare minimum in order to make elections an affordable exercise for the lower and middle classes. The limit to election expenses should be fixed at Rs. 20,000/-

17. Banning posters, billboards, neon signs, banners, wall chalking and advertisements in print and electronic media. Instead, the Election Commission should publish posters constituency-wise giving the names of candidates, their election symbols and names of their political parties, and these should be displayed pasted outside the election offices and duly notified public places.
18. Allowing only handbills and 4-8 page pamphlets to candidates for introducing themselves directly to the voters in their constituencies.
19. Putting a total ban on transporting voters to the polling booths on hired vehicles, and on offering food and soft drinks in the polling camps.
20. Increasing the number of polling stations and placing them at central places to facilitate voters.
21. Providing candidates and political parties with the facility to present their policies and programs through the electronic media.
22. Making it mandatory for polling officers and polling agents to sign the count-sheets at the polling stations. A countersigned copy of the count-sheet should be given to the polling agents present.
23. Arresting immediately persons polling fake ballot papers. Also immediately dismissing and blacklisting any member of the polling staff found indulging in canvassing etc. in favour of any candidate.
24. Not arresting candidates or their polling agents on fake charges after the announcement of election dates to enable them to perform their work unhindered.
25. Publishing a priced booklet on election rules and procedure by the Election Commission for the guidance of election and polling agents.
26. Restoring the 1973 Constitution to its original form at the time of its framing. Any amendments to this Constitution should be made by a truly elected parliament under free, fair and transparent elections under the new rules.

### ***Holding Elections in Two Phases***

The first phase of elections should be reserved for determining the eligibility of political parties and their candidates for participation in the second and final phase of elections. Those political parties, which are unable to obtain 10 per cent of the total votes polled, and those candidates who fail to attain the first two positions in the first phase, should be

disallowed to participate in the second phase of elections. Only those candidates should be declared elected who obtain more than fifty per cent votes. The holding of elections in two phases is essential to establish the true democratic character of elections.

## **The Prevailing Political Situation**

The feudalists and capitalists have monopolized their hold on the means of production, and have created a class society in Pakistan by establishing economic, social and political monopolies. These vested interests have consolidated their hold on political parties and do not allow them to develop their polity on democratic lines. They have also consolidated their hold over state institution. They grab power and wealth through intrigues and machinations during fake elections, and prevent the educated, capable, sincere and honest persons belonging to the lower and middle classes from entering the assemblies and sharing power with them. They, with the connivance of the religious elite, have deliberately, and by design, kept the masses poor, weak and uneducated so as to disable them from understanding their rights and standing up for their realization. They have been using party workers only to further their personal interests. Those alone are made office-bearers who serve their interests, and party funds are spent on personal projection. During the last 56 years they have not used state power to solve the problems of the people. They have kept the people deprived of their right to utilize the means of production of the country.

The present electoral system negates sovereignty of the people and their interests. It is the biggest hurdle in the way of establishing a people-friendly welfare state devoted to raising the standard of living of the poor. Democracy grants equal rights and status to all citizens and does not discriminate between them on the basis of color, race, religion and gender. The present anti-people system will, therefore, have to be changed. Elections are an instrument of changing not only the government but also the economic, social and political systems so that the state administration, the police and the judiciary are enabled to solve problems in the right way, and work whole-heartedly for the progress of the country.

The importance of the national interest will have to be made manifest in the public eye by doing away with racial, religious and sectarian prejudices, and by developing clean politics free from self-interest, intolerance and authoritarianism. If we love our country, if we are well-wishers of the

nation, if we desire prosperity of the country and a good name in the comity of nations, if we want to safeguard our children's future, and if we seek to build our society on the foundation of love, peace and human fraternity, it is incumbent upon us to reframe our electoral system on the right lines.

June 12, 2005.

## FAIR ELECTIONS, THE ONLY WAY OUT

Your article published in Dawn contains some very pertinent points that need to be registered before I proceed further. They are:

"Hold elections – all-embracing and absolutely fair and free. Let the electoral resolve the crises along with other long-pending vital issues that are gnawing at the foundations of state and society."

"Half the century has been lost and we have has long years of military rule/quasi-civilian rule and the undermining of the democratic process has been in progress."

"What is important is not the continuity of a government but the quality of governance."

The framer of the US Constitution James Wilson stated in 1787, "people may change the constitution whenever and however they please. This is a right which no positive institution can ever deprive them."

"Elections is peaceful and nationally recognized and is the acid test of a nation's coming of age and being able to deal with its problems."

"The people's collective wisdom ensures the return of such stalwarts and statesmen as could meet the need of the hour."

"Roosevelt, Winston Churchill, Charles de Gaulle and Konrad Adenauer were all duly elected leaders who were called to play their historical role in the most testing of times, yet none of them usurped power on the grounds of "national security."

"The 1973 Constitution is more centralized than the India Act 1935 or the 1956 Constitution. It gave 114 powers to the federation. This list must now be reduced to the barest minimum."

"What is important is the motive behind constitutional amendments. Ironically, all 17 amendments to the 1973 Constitution were made either to legitimize military rule (both direct and indirect) or to strengthen the executive at the cost of parliament, the judicature and the people's inherent civil and political rights. All over the democratic world, constitutional amendments are made to grant more political and civil rights to citizens."

The above quotations highlight the importance of the Constitution and the elections. Both the documents need extensive and incisive amendments. To start with the electoral reforms, I have prepared some proposals for guaranteeing free and fair elections, which I am sending you, as an attachment to this e-mail, for your perusal and appreciation. I would

like to have your comments on these and would appreciate if you could improve on these. Please also give your postal address. My postal address is: 74/A-2 Abu Bakr Block, New Garden Town, Lahore. Mobile: 0302-4130307.

Yours truly,  
Safdar Hasan Siddiqi



## **ELECTORAL REFORMS VIEWPOINT OF PAKISTAN JEMHOORI TEHREEK**

### **Present Situation**

At present 90 percent members of the assemblies are representatives of feudals and capitalists, who by establishing their social, economic, and political monopolies have laid the foundation of class-society in Pakistan. They have a strong hold over the political parties, and their representatives in these parties do not let them do any planning in favour of the people on democratic lines. These elements have also grasped state institutions. They acquire power and wealth through intrigues and machinations and do not allow the educated, capable and honest persons from amongst the lower and middle classes, who are in, absolute majority, to share power with them. They have kept the people poor, financially handicapped and uneducated with the help of the religious elite, so that they may remain ignorant about their rights, and do not stand up to secure these rights. During the last 56 years they have not used state power to solve the problems of the people.

The existent system of elections negates the severity of the people and their interests. This system prevents the establishment of a "people friendly welfare state" which raises standard of living of the poor. Democracy gives equal rights and status to all citizens and do not differentiate between them on the bases of color, race, religion and gender. Election is an instrument for changing the social economic and political systems so that, through it, the country's executives and judiciary may solve their problems in a proper manner and work jointly for the progress of the country.

We will have to highlight the national interests in the eyes of the people. For this purpose we will have to end national religious and sectarian prejudices and have to arrange a politics which is free from intolerance and despotism. If we love our country and are sincere with the nation, if we are desirous of our country's development and prosperity, if we want to have a good name amongst the family of nations and if we want to build our society on the bases of love, peace and human fraternity, we shall have to formulate the electoral system on the right lines.

### **The Aims of Elections**

The aims of elections should be determined on the following lines:

1. Ending the existing class-society.
2. Loosening the hold of the vested interests over state power.
3. Enabling all the people to utilize the means of production to the best of their ability, and to participate effectively in the development of society.
4. Bringing down disparity in incomes to the minimum level.
5. Enabling the rule of law and justice to prevail.

### **Basic Election reforms**

The following basic electoral reforms should be made

1. The life of the national and provincial assemblies should be reduced to 3 years and that of the Senate to 4 years.
2. The elections to the national and provincial assemblies should be held at the same time.
3. All elections should be held in two stages. The first phase should be reserved for determining eligibility of political parties and candidates for participation in the second and final phase. Those political parties, which are unable to obtain 20% of the votes polled, and those candidates who do not obtain the first two positions, should be disallowed to participate in the final phase of elections. The candidate getting the largest number of votes should be declared elected. The holding of elections in two phases is essential to establish the true democratic character of elections.
4. The election to the senate should be held on the basis of direct elections.
5. The seats of national and provincial assemblies should be increased in the ratio of one seat for a population of 3 lacs.
6. Election expenses should be reduced. No candidate should be allowed to spend more than Rs.20, 000.
7. The election commission should be made fully independent and self-sustained financially. Appointment of the Chief Election Commissioner should be made by consensus of all political parties and through the parliament.

8. The Election Commission should publish posters containing the names of the candidates and their political parties and election signs. It should not be done by the political parties.
9. The Election Commission should also arrange a full fledged campaign of mass awareness regarding elections in the print and electronic media
10. The voter's list should be revised yearly. The names of the dead and fake- voters should be removed, and names of those not listed and those who have reached the age of 18 years on 1<sup>st</sup> January should be added.
11. Only those political parties that have branches in all the provinces should be allowed to participate in the elections for the national assembly. Those parties having branches only in few provinces should only be allowed to take part in the elections of the provinces in which they have branches.
12. The independent candidates should not be allowed to participate in elections, because they damage the electoral process. They should instead be encouraged to join the political parties of their choice.
13. The electorate should be allowed to call back candidates of their constituencies who indulge in corruption and show bad performance.
14. Elections to the national and provincial assemblies and the local bodies should be held on party basis and joint electorate.

### **Essential steps for getting better results from elections.**

The following steps should be taken in this regard:

1. A three-month campaign should be made throughout the country by the election commission and political parties so that the importance of elections is made evident and deep interest created in them so that they take part zealously in the elections and vote in large numbers.
2. The holding of elections every two years, and promotion of the concept of "collective leadership" should be made compulsory for political parties rather than hereditary or charismatic leadership. All political parties should be ordained to keep membership registers and maintain regular accounts.

3. The political parties and their candidates should not be allowed to print and distribute slanderous material or use abusive language against other political parties or their candidates or to use racial, sectarian and religious slogans or accuse others for being enemies of Pakistan and Islam or issue decrease of infidelity against them. Candidature of such persons should be cancelled.
4. The number of polling stations should be increased and placed at central places to which most voters could walk down.
5. Party candidates should not be allowed to publish their photos on posters and billboards, to do wall chalking, give advertisements in print and electronic media and indulge in publicity through loudspeakers.
6. At the end of polling, the polling officer and polling agents representing various political parties should jointly sign the election result of that station, a copy of which should be given to the polling agents present, and should be pasted outside the polling station.
7. The Election Commission should publish a booklet on election rules for the guidance of polling agents, and give them to political parties and their candidates on payment.

### **The Criteria for Candidates**

The voters should poll their valuable vote only according to their conscience, and deliver their votes to the better person, to which ever political party he / she may belong, keeping in view the following criteria:

#### **Vote only for such persons:**

1. Who is liked for his capability, service and good reputation, and is known as a good human being.
2. Who is educated, honest, of good character and truthful, and is service-minded.
3. Who is free from all kinds of prejudices, and treats all Pakistanis in a similar manner.
4. Who takes active part in social work and in solving the problems of the people.
5. Who is not involved in sectional and sectarian prejudices, and does not ask for votes in the name of *baradaris*.

6. Who is from the lower and middle classes.

**Do not vote for such persons:**

1. Who have unlawful incomes, who spend luxurious lives, and who indulge in immoral crimes, have been convicted for a moral turpitude, have bad reputation, indulge in smuggling and black marketing and is are professional criminals.
2. Who have changed their political loyalties to gain power and wealth.
3. Who have not grabbed others' properties.
4. Who are not involved in violence, pillage, exploitation and anti-state activities.
5. Who are tax-evaders.
6. Who purchase votes, oppress, threaten and indulge in ill practices.
7. Who uses the name of Islam for attaining self-interests and for gaining power?
8. Who has sided with the present military dictatorship.

If you elect wrong people for the assemblies, you will suffer worse conditions than the present, and will loose all your rights. After that you will forfeit your right to complain about the bad state of affairs.

# **DEMOCRACY ON THE MOVE PAKISTAN'S NEED FOR A NEW ELECTORAL SYSTEM**

**By Safdar Hasan Siddiqi**

**Edited by Iftikhar Hasan Siddiqi**

## **PART 1: IMPORTANCE OF FAIR ELECTIONS**

### **HOW TO ACHIEVE TRANSPARENT ELECTIONS?**

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It is essential to ensure free elections through 3-month-long large-scale dissemination among the people at the lower and middle strata of society of the requisites for fair elections, by the Election Commission and the political parties, in order to prepare them for their effective participation in elections.

These requisites are:

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- 42) Revising the electoral list every year, and adding 2 crore voters in private jails of jagirdars and those living in the villages under

- the tutelage sardars and big landlords, especially the women who are not allowed by them to get themselves enlisted as voters.
- 43) Making obligatory the election of all office-bearers of political parties.
  - 44) Giving funds by the state to registered political parties according to the percent of votes secured by political parties in the last elections.
  - 45) Holding elections by a caretaker government that would not include members of the sitting government or their close relatives, and formed by consensus of the contesting parties.
  - 46) Re-constituting the Election Commission and making it fully independent in administrative, legal and financial powers, not appointed by the incumbent government but with the consent of the opposition.
  - 47) Making the judiciary fully independent of the PCO, making the members of the judiciary take a fresh oath on the original 1973 Constitution.
  - 48) Holding elections in two phases for enabling candidates securing more than 50 per cent of polled votes to be declared elected. Allowing only the first two candidates securing the highest number of votes to take part in the second round.
  - 49) Fixing the period for national and provincial assemblies at 4 years and that of the Senate at 6 years
  - 50) Holding election to the Senate on the basis of direct elections.

Unless the above requisites are secured the possibility of holding fair elections is bleak.

Considered comments on the above proposals by you is solicited within one week. It will assist us in starting a campaign for holding transparent elections, which is a sine qua non for good governance. It will be appreciated if you will amend these proposals or add some more.



## **PART 2: IMPROVING THE ELECTORAL SYSTEM**

(As a matter of fact, unless the Chief Election Commissioner of Pakistan is not made fully independent and is judicially empowered (as in India) there is no possibility of the elections being free, fair, and transparent, reflecting truly the will of the people – the ultimate sovereigns of their country. Every four or five years of the nation will thus be wasted in elections and the prevailing spurious system of governance will not be changed for the better.

We have given herewith in full detail, the proposals that can guarantee the holding of fair elections. Without bringing into effect these proposals, any elections will be fruitless and a sheer loss of nation's time, money and efforts.

It is desired that all leaders of public opinion, as well as the people at large, study these and pressurize the government to improve the Election Commission's set-up and the election rules accordingly before the next general elections are held.)

### **Premise**

The Electoral System is central to the democratic process, and its contemporary form and manifestations are shaped by the evolution experienced by the democratic societies during the 20<sup>th</sup> century. When we talk of democracy, holding of elections at the central, provincial, district, tehsil and local levels is an essential process for determining effectiveness or otherwise of the democratic process. For a democratic set-up to be effective and fruitful, therefore, requires a guaranteed process of fair, free and transparent elections that reflects truly the will of the people at the various levels of society.

Having determined the importance of holding elections, we now turn towards the philosophy behind elections and the concept of democracy for any society. The basic logic upon which all articulations of the principle of democracy rests is that the Creator of the universe, whom we remember by various names has, in order to unfurl His scheme of life in the universe, created along with the universe its principal actor – the human being. Man has been endowed by Nature with all the requisite capabilities and resources that are required by him for creating and establishing a humane, cooperative, peaceful, progressive, creative, prosperous and fraternal society. The primary

attributes of man in this respect such as sovereignty, ownership of the means of production and the authority to govern, have also been securely determined in this scheme.

The divine rule set for the serious game of life that thus emerges is that the only way to ascertain the will of God today is through true representatives of the people by enabling them to reach the decision-making and policy-making systems and assemblies through a fair and unfettered election process. To set up any other system of governance through intrigue and deceit, and by manipulating elections, amounts to revolting and arraying against God and the interests of the people. Adopting this kind of a negative mindset leads one to submit to personal and political interests, and resort to the artifice of claiming God's support in one's wrong doings, as is being done by the religious elite, the depraved politicians and the military dictators.

### **Raison d'être of Elections**

Before proceeding further it would be proper if we also go to provide a few arguments that would help in contributing towards awareness of the people, who are the true sovereigns and arbiters of Pakistan's destiny.

In order to make people knowledgeable and politically aware, to raise sound leadership from amongst them with the help of honest and upright intellectuals and to form a system of good governance on truly democratic lines is, of course, a difficult task. For this, a long distance will have to be traversed and some people will have to dedicate their lives for this tremendous work. But positive results will certainly accrue if this is done. As stipulated, elections are the foundation of democracy and the propellers of social activity, and are necessary for building a vibrant society worth living in.

In order to get the best results from the election process, a string of strong arguments must be constructed and articulated. A few are given hereunder: -

1. It will be fruitless to take part in elections without changing the existing electoral system. Unless it is changed fundamentally, the exploitative class-system will continue to exist. Setting up of an independent Election Commission is a pre-requisite for fair elections.
2. Feudalists and capitalists have created the class system. Elections are an instrument of change of not only the government but also the economic, social and political systems so that the state administration, police,

judiciary and other state institutions are enabled to solve people's problems in the right way, and work for the progress of the country.

3. The present electoral system negates sovereignty of the people and their interests. It is the biggest hurdle in the way of establishing a people-friendly welfare state. It is, therefore, wrong and deceitful to claim democracy without changing this system itself.

4. The feudalists and the capitalists have created the class-system. They belong to the upper classes and have a strong hold over state institutions. Their relationship with the ordinary people is that of rulers and the ruled. They grab power through intrigues and machinations during elections, and prevent the educated, capable and upright persons of the lower and middle classes from entering the assemblies and sharing power with them.

5. The jagirdars and big landlords, the dirty amongst the rich and the religious elite have kept the masses poor, weak and uneducated, deliberately and by design, so that they do not understand their rights and also do not generate in themselves the courage to demand their rights.

6. The vested interests procure votes during elections by threatening and overawing the voters, by tempting them with money and other favours and by involving them in racial, sectarian and religious prejudices and disputes. They have consolidated their hold on political parties and do not allow them to develop their polity on democratic lines.

7. Such vested interests have been using the party workers only to further their personal interests. Elections for party offices are not held, and accounts of party funds are not maintained regularly. Those alone are made office-bearers who serve their interests, and party funds are spent on personal projection.

8. During the last years most of the politicians have worked simply as agents of the establishment. They have not used state power to solve problems of the people but have instead used it to amass wealth. They have kept the people deprived of their inherent right to utilize the means of production, which they have kept in their own possession.

9. Democracy is based on the concept that all persons living in a country are owners of the land and other means of production of the country, and that governance is their basic right, which they exercise by sending their elected representatives to the assemblies. Democracy grants equal rights and social status to all citizens and does not discriminate between them on the basis of colour, race, religion and gender. It is sheer negation of democracy to create a class-society by establishing economic, social and political monopolies and vested interests.

10. The importance of national interest will have to be made manifest in the public eye by doing away with racial, class, religious and sectarian prejudices, and developing clean politics free from self-interest, intolerance and authoritarianism.

11. It is incumbent upon us to re-frame our electoral system on the right lines if we love our country and are well-wishers of the nation, if we desire prosperity of the country, if we want to safeguard our children's future and if we seek to build our society on the foundation of love, peace and fraternity.

### **Objectives of Elections**

The election process is an articulation of people's will, an act of choosing representatives, a mandate for political order and making governments of their choice as a means of making policies and selecting agendas for governance.

Having laid down the premises and *raison de e'ter* of elections, we now proceed to put forward clearly the objectives of election exercises. The first objective is that those who enter the assemblies should be true representatives of the people belonging mostly to the lower and middle classes, as these two classes represent a huge majority in the country, and that they should be educated, honest, capable, fully committed, and oriented towards collective gains. Only a serious and continuous democratic process, and the holding of political awareness programmes, will ensure such welcome characteristics to emerge. In other words, it should be ensured that the representatives have been selected voluntarily by the people with their free will and without fear or greed or other systematic problems, that they have good understanding of people's problems, and that they have the will to change the existing rotten system of governance, and initiate socio-economic development process in order to bring into being a clean, creative, peaceful, progressive and democratic society. Political activists will have to undergo intensive training in this respect.

The second objective is that the polling of ballot papers should be kept totally free from the influences of money and other pressures, and that the candidates having good reputation, and engaged in useful social activities are not prevented from taking part in elections just because they do not have enough financial resources. A desire for cooperation with such

candidates will have to be engendered among the electorate. In this connection the caste and *baradari* considerations will have to be abandoned.

The administration should also be rendered completely impartial in the electoral process. Manifest institutional arrangements in all branches of administration will also have to be made. Utter disregard of these two objectives in the elections, held ever since Pakistan came into being, and the undemocratic manner in which state policies and the state administration had been carried out during the past, have resulted in the sad state of affairs that we are confronted with today. This has happened because our focus has always been on individuals to deliver, and nothing has been thought, written and moved forward to let institutions be developed and sustained to determine the collective will. We have ignored those who corrupted and destroyed the institutions to an extent that all arrangements do not function as they should.

### **Targets of Elections**

Before we propose certain improvements in the electoral system and its rules, it would be proper, first of all, to fix the goals of elections. Those who are desirous of working for national development will have to acquaint themselves with the economic, political, social and cultural issues faced by the nation, and harness the knowledge thus gained to solve the problems of the masses. They should also train the people in rendering service to others and generating open-minded leadership. In order to be successful in this pursuit, we will have to ensure the effectiveness, transparency, fairness and legitimacy of the election process, and then go on to make arrangements for creating awareness among the voters regarding the importance and meaning of elections for setting up good and effective governance system. The targets to be achieved should contain the following:

1. Ending the existing class-oriented society, and giving to the people the right of equal opportunity to utilize the means of production according to their capabilities, efforts, potentials and entitlements. The conditions to be created to facilitate the process for achieving this objective will have to be clearly laid down.

2. Loosening the hold of the vested interests over state power. This can only be done if we put our credibility on line and dare to suggest

measures that will automatically direct us as a nation towards that cherished goal.

3. Devolving maximum power from the center to the provinces and local bodies. We need to make sure that local bodies do not become tools in the hands of fortune-seeking civil and military establishments. We should be serious to make the local body system work at the grassroots level and not become a tool in the hands of a central dictatorial authority. If the local body system can be improved, most of the common person's problems can be sorted out and solved.

### **Steps for Ensuring Free and Transparent Elections**

In order to make free and transparent elections certain, to remove pressures of the vested interests on voters and to enable them to use their votes in accordance with their conscience and in the best interest of the nation, the following steps need to be taken:

1. Elections should be held by a Caretaker Government, which should not include sitting ministers or their close relatives. The sitting government should resign three months before the date of elections.

2. Election Commission should be declared fully autonomous and should only be accountable to the Parliament. Its financial autonomy should also be ensured and guaranteed. The Chief Election Commissioner should be made permanent and also be given full administrative and judicial powers, as in India.

3. Setting up of an Independent Judiciary to ensure independence of the Election Commission. The judiciary should always stand by the election commission in the event of any differences between the Commission and the Government in power.

4. Taking political parties into confidence by the Election Commission for making election rules by seeking their proposals. Proposals may also be sought from the public. A proper record of these proposals should be kept.

5. Thoroughly discussing all aspects of election reforms in the print and electronic media, forums, and seminars all over the country, so that the people evince keen interest in elections before they are held, and the voters participate in the elections with zeal and fervour.

6. Courts should be authorized to make independent decisions without any pressure or fear of intimidation in order to uphold the fairness of the election process.

7. Voters should be authorized to call back their elected representatives, if they lose confidence and faith of the voters of their constituencies. The process of calling back should be formally defined in the Constitution and election rules.

8. Fixing Intermediate and Graduation as minimum educational qualification for candidates for the provincial and national assemblies respectively. But this could be a time-based measure that should not be adopted permanently.

9. Reducing the period of membership of provincial and national assemblies from 5 years to 3 years and that of senate members from 5 years to 4 years. These periods should remain till such time as people do not get politically educated sufficiently, and a good leadership does not become available to them. Training the voters, and continuous happening of transparent and impartial elections, will alone bring back the interest of voters in the electoral process.

10. Holding elections to the national and provincial assemblies on the same date.

11. Arranging direct elections to the senate while reserving seats for writers, journalists, educationists, men of learning and scientists, technocrats and men of learning, traders and industrialists, representatives of trade unions and *kissan* organizations. Seats should not be reserved separately for 'ulema', as Islam has not granted them any special institutional status as religious leaders. They are free to contest elections as 'men of learning', or from general seats on party tickets or as independents.

12. Empowering Senate to take all decisions of national importance, and creating parity among provinces for making vital decisions, policies and laws of the country. The senate should be empowered to review the budget before it is passed by the National Assembly.

13. Disallowing indirect elections in Local Bodies elections. Elections by show of hands should also be prohibited.

14. Restoring the 1973 Constitution in its original form. Any future amendments to this Constitution should be made by the new truly democratically elected parliament.

15. Giving the right to voters to recall their candidates during their term of office on charges of corruption and inefficiency.

16. Reserving seats for women and religious minorities. .

17. Merging the tribal areas and Northern Areas or joining them with other adjoining

Provinces. Candidates from these areas should be given the right to vote. They should be elected rather than nominated by the *sardars*.

18. Giving in trusteeship by the state luminaries - the president, the prime minister and the chief ministers – of all their assets.

19. Setting up a permanent and fully empowered Accountability Commission, which will receive public complaints and take decisions thereon. It should also be authorized to take *suomoto* action against corrupt and incompetent persons. It should be ensured that such commission would not be a simple tool in the hands of the vested interest by making it administratively and financially independent. Selection of its chairperson should be done by the political parties in power as well as those in the opposition, and confirmation be made through the National Assembly.

21. Administrative Accountability Courts should also be established for administrative accountability of bureaucracy for corruption and dereliction of duty.

22. The voters' list should be computerized and cleared of all bogus voters, and their copies should be supplied to the registered political parties. All those voters whose names are printed in the voter's list should be allowed to vote. Identification of voters by means other than identity cards should also be allowed. The system of challenging votes may be re-introduced

23. Elaborate arrangement should be made for revising the voters' list before the holding of elections. Votes of about 2 crore adults in private jails of jagirdars, should be enlisted. Votes of those living in the villages under the tutelage of *sardars* and big landlords, especially the women, who are not allowed by them to enlist as voters, should also be enlisted.

24. It should be mandatory for all elected governments to present all policies (economic, foreign, defense, education, finance commission etc.) to the Parliament and not make them through extra-parliamentary means. The process of issuing Ordinances should be discouraged, and such discretionary powers of the president should be curtailed.

25. Making it essential for political parties wanting to participate in elections for



National Assembly to establish branches in all provinces. Those political parties

which do not have branches in all the provinces, or have these in one or few provinces, should only be allowed to participate in the provincial elections of those provinces in which they have their branches. To promote unity in the country, only those parties should be allowed participation in elections for the national assembly that get minimum vote, say 5 percent from each province.

26. Making it mandatory for political parties to have internal democracy and collective- leadership in the party. Elections of all office-bearers should be made mandatory for political parties.

27. Government should give adequate funds to registered political parties, commensurate with the percentage of votes secured by them, for their office expenses.

28. Disallowing political parties and their candidates to print and distribute slanderous material or use abusive language against other political parties or their candidates or to use racial, sectarian or religious slogans, or accuse the other political party or candidate for being enemies of Pakistan or Islam, or issue decrees of infidelity against them. Candidature of those indulging in such activities should be cancelled. There is no difference of opinion about Islam being the ideology of Pakistan. Therefore, the word "Islam" should not be used as a political slogan in elections. Any slogans should be issue-oriented.

29. Political parties should make the following documents available to the Election

Commission:

- (a) Party constitution and manifesto
- (b) List of members (province wise)
- (c) List of central and provincial office-bearers
- (d) Certification of the dates when the last party elections at the provincial and central levels were held.

30. Making it mandatory for political parties to provide the following documents and information about their candidates while submitting their nomination papers: -

- a. Name, age, address and telephone number
- b. Educational status
- c. Annual income and value of personal assets

- d. Amount of taxes paid, and value of unpaid taxes
- e. Affidavits by the candidates to the effect that they have not been convicted under any criminal law and that no criminal cases are pending against them.
- f. Holding elections at the national and provincial levels on party basis and on the basis of joint-electorate.

31. Arranging a 3-month long political awareness campaign for the people and voters through the Election Commission, for preparing them for effective participation in the elections. 32. Broadcasting dramas, specifically on elections on television and radio.

33. Limitation of constituencies should be done by keeping in view the convenience of voters and not according to the interests of certain candidates. It should be done with due consent of parties in opposition.

34. Final announcement of the constituencies should be done at least three months before the election date, and that of polling stations two months before elections.

35. The police and the administration should also be rendered completely impartial in the electoral process. Manifest institutional arrangements in all branches of administration will also have to be made.

### **Reducing Election Expenses and Improving Electoral Conduct Rules**

Specific steps should be taken to improve the electoral rules. The government should take positive and solid steps to lower election expenses so that persons with average income and resources could serve the nation through the assemblies in a better way. It should also be ensured that all segments of the society get their due share in the power structure and thus get rid of the prevailing sense of indifference, by participating in the assembly proceedings fully and with fervour. The improvements suggested are:

1. Reducing the election expenses to the bare minimum in order to make elections an affordable exercise for the lower and middle classes, who have limited financial resources. The limit to election expenses should be fixed at Rs.20, 000/-.
2. Common places should be fixed within each constituency for holding election meetings / processions, in order to avoid any disturbances to public activity and to reduce cost on these activities.

3. Strict observance of Election Code of Conduct should be made, and the violators should be disqualified from taking part in elections.
4. Banning posters, billboards, neon-signs, banners, wall chalking and advertisements in print and electronic media. The Election Commission should instead publish posters constituency-wise giving names of candidates, names of their political parties and their election symbols. These should be pasted outside the election offices and displayed at notified public places, previously advertised.
5. Disallowing loudspeakers for electioneering campaign on vehicles. Loudspeakers should be restricted only to public meetings by political parties.
6. Allowing only handbills and 4-8 page pamphlets for introducing candidates to voters in their constituencies through door-to-door contacts.
7. Putting a total ban on transporting voters on hired vehicles on the polling day, and on offering food and soft drinks in polling camps.
8. Increasing the number of polling stations and placing these at central places, so as to enable voters to walk down to these stations with ease for tendering their votes.
9. Providing every candidate with one free copy of the electoral list of his / her constituency.
10. Providing the facility to political leaders of presenting their policies and programs through the electronic media, while giving them enough time therein.

### **Holding Elections in Two Phases**

Elections should be held in two phases. The first phase should be reserved for the determining eligibility of political parties and candidates for participation in the second and final phase. Those political parties, which are unable to obtain 10% of the votes polled, should not be allowed to participate in the final phase of elections. The parties should contest the first phase by issuing list of their candidates and declaring their manifestos. The candidates who do not obtain the first two positions in the first phase of elections should be disqualified to participate in the final phase of elections. Thus the candidate securing more than 50 per cent votes will be

declared elected. The holding of elections in two phases is, therefore, essential to establish the true democratic character of elections.

### **Proportional Representation**

The system of proportional representation should not be adopted until such time as the political parties get well organized on truly democratic lines and the candidates become politically aware, educated, trained in political and social work and are keenly interested in taking part in elections. The number of mushroom political parties is also very large. The system of proportional representation could be progressively introduced in the light of the experience gained after holding a few elections on the basis of direct elections, and after the political parties become strong and small in number.

## **PART 3: ROPOSALS FOR HOLDING FAIR, FREE AND TRANSPARENT ELECTIONS**

**Prior to the holding of elections, the following steps should be taken:**

1. The elections scheduled for January 8 should be postponed for two months and, in the meantime, a Caretaker Government and a fully independent, legally empowered and financially secured Election Commission should be formed by mutual consent of the government and opposition parties.

2. An atmosphere of goodwill and credence should be created between the ruling and opposition parties, in the interest of the country, for initiating dialogue between them in this regard because a democratic set-up, to be effective and fruitful, requires a guaranteed process of fair, free and transparent elections that may truly reflect the will of the people.

3. The emergency imposed on November 3 should be lifted and the PCO withdrawn. The Judges of the supreme and high courts should be immediately restored.

**The following targets should be fixed for good governance:**

7. Ending the existing class society and the status quo.

8. Loosening the hold of the vested interests over state power.

9. Enabling all the people to utilize the means of production to their benefit to the best of their ability, and to participate equally in the affairs of the state for developing the society.
10. Bringing down the disparity in incomes to the minimum level.
11. Removing poverty, allaying unemployment, arranging good education and health for the people.
12. 6. Enabling the rule of law and justice to prevail.

**The following steps should be taken, on a long-term basis, for good governance:**

7. Life of national and provincial assemblies should be reduced from 5 years to 4 years and that of the Senate from 6 to 5 years.
8. The number of seats of the national and provincial assemblies should be fixed at 1 seat for 3 lacs population.
9. Maximum powers should be devolved to the provinces from the federation.
10. A permanent and fully empowered Accountability Commission should be set up to receive public complaints and take decisions thereon, authorizing it to take *suomoto* action against corruption.
11. It should be made mandatory for political parties to have internal democracy and collective leadership rather than patrimonial leadership. They should also maintain membership registers and keep proper accounts. Their candidates for election should also be made to submit documents regarding their educational status, annual income, personal assets and the amounts paid as taxes and the value of unpaid taxes. Submission of affidavits to the effect that they have not been convicted under any criminal law should also be made mandatory
12. It should be made essential for political parties desiring participation in elections for the national assembly to have branches in all the provinces.
7. The candidates should not be allowed to stand from more than one constituency. The prevailing way of multiple constituencies should be discontinued.
8. Those having branches only in one or few provinces should only be allowed to  
take part in elections for the provinces in which they have branches.

12. Elections to the national and provincial assemblies should be held only on party basis and on the basis of joint-electorate.
13. Elections to the Senate should be held directly, while seats should be reserved for writers, journalists, scientists, technocrats, traders, industrialists, workers and *kissans*.
14. The 1973 Constitution should be restored to its original form because it has been disfigured beyond recognition by wrong amendments. Any useful amendments to the constitution could be made by a truly elected parliament.

**The following steps should be taken to ensure free, fair and transparent elections:**

18. In order to determine the credibility of the candidate the following criteria should be fixed:
  - (a) He is not convicted by a court of law for any criminal offence.
  - (b) He is not a tax-defaulter.
  - (c) He does not have a bad record of disservice to society.
  - (d) He has a bad reputation of being rude, abusive and oppressive.
  - (e) He is morally sound.
19. Political parties and their candidates should be debarred from printing slanderous material, or use abusive language, against other political parties or their candidates, or use racial, sectarian or religious slogans or accuse each other of being enemies of Pakistan and Islam. Candidature of those indulging in such activities should be cancelled.
20. All aspects relating to elections should be discussed in the print and electronic media and in seminars all over the country so that people evince keen interest in elections and the voters participate in elections in large numbers.
21. The voters should be given the right to recall their candidates in case they are not satisfied with their performance or they find them indulging in corruption, murder etc.
22. Election expenses should be reduced to the bare minimum in order to make elections an affordable exercise for the lower and middle classes. The limit on election expenses should be fixed at rupees 20,000/-.

23. Posters, billboards, neon signs, wall-chalking and advertisement in print and electronic media should be disallowed. Instead, it should be made the responsibility of the Election Commission to publish posters constituency-wise, giving the names of candidates, their election symbols and the names of their political parties, and displaying these outside the election offices and duly notified public places.
24. Only handbills and 4-8 page pamphlets should be allowed to be published by candidates for use during personal contacts with the voters in their constituencies.
25. The number of polling stations should be increased, and placed at easily accessible places so that the voters could walk down to them.
26. A total ban should be imposed on transporting voters to the polling stations on hired vehicles, and on offering food and soft drinks in polling camps, except plain water.
27. The number of polling stations should be increased, and placed at easily accessible places so that the voters could walk down to them.
28. The candidates and political parties should be provided with facilities to present their policies and programmes through the electronic media.
29. Persons polling fake votes should be arrested on the spot.
30. Candidates or their polling agents should not be arrested after the announcement of the election dates, except when they commit a capital offence, so as to enable them to perform their work unhindered.
31. The ballot boxes should be of transparent material. The ballot boxes should remain in the view of the polling agents and should not be removed to another room. The counting should be done immediately after the closing of polls and the results announced immediately thereafter. It should be made mandatory for polling officers of each polling station, and the polling agents present, to sign the result-sheets, and copies of it should be given to the polling agents of candidates.
32. A consolidated list of the polling results of each constituency should be prepared by the Returning Officer of each constituency and sent thereafter to the Provincial

Election Commissioners for onward transmission to the Chief Election Commissioner for final declaration of election results.

33. Only those candidates should be declared elected who have secured more than 50 per cent of the polled votes. To determine this, the elections should be held in two phases. The first phase of elections should be reserved to determine the eligibility of political parties and their candidates for participation in the second phase of elections. Those political parties which are unable to obtain 10 per cent of the total polled votes, and those candidates who do not attain the first two positions in the first phase should not be allowed to participate in the second final phase of elections. The holding of election in two phases is essential to establish true democratic character of the elections.
34. The Election Commission should publish a priced booklet on election rules and regulations for the guidance of election and polling agents.

## **PART 4: ELECTORAL REFORMS AS BASIS FOR A SOUND POLITICAL SYSTEM**

### **Present Situation**

At present 90 percent members of the assemblies are representatives of feudals and capitalists, who by establishing their social, economic, and political monopolies have laid the foundation of class-society in Pakistan. They have a strong hold over the political parties, and their representatives in these parties do not let them do any planning in favour of the people on democratic lines. These elements have also grasped state institutions. They acquire power and wealth through intrigues and machinations and do not allow the educated, capable and honest persons from amongst the lower and middle classes, who are in, absolute majority, to share power with them. They have kept the people poor, financially handicapped and uneducated with the help of the religious elite, so that they may remain ignorant about their rights, and do not stand up to secure these rights.



During the last 56 years they have not used state power to solve the problems of the people.

The existent system of elections negates the severity of the people and their interests. This system prevents the establishment of a "people friendly welfare state" which raises standard of living of the poor. Democracy gives equal rights and status to all citizens and do not differentiate between them on the bases of color, race, religion and gender. Election is an instrument for changing the social economic and political systems so that, through it, the country's executives and judiciary may solve their problems in a proper manner and work jointly for the progress of the country.

We will have to highlight the national interests in the eyes of the people. For this purpose we will have to end national religious and sectarian prejudices and have to arrange a politics which is free from intolerance and despotism. If we love our country and are sincere with the nation, if we are desirous of our country's development and prosperity, if we want to have a good name amongst the family of nations and if we want to build our society on the bases of love, peace and human fraternity, we shall have to formulate the electoral system on the right lines.

## **The Aims of Elections**

The aims of elections should be determined on the following lines:

6. Ending the existing class-society.
7. Loosening the hold of the vested interests over state power.
8. Enabling all the people to utilize the means of production to the best of their ability, and to participate effectively in the development of society.
9. Bringing down disparity in incomes to the minimum level.
10. Enabling the rule of law and justice to prevail.

## **Basic Election reforms**

The following basic electoral reforms should be made

15. The life of the national and provincial assemblies should be reduced to 3 years and that of the Senate to 4 years.
16. The elections to the national and provincial assemblies should be held at the same time.

17. All elections should be held in two stages. The first phase should be reserved for determining eligibility of political parties and candidates for participation in the second and final phase. Those political parties, which are unable to obtain 20% of the votes polled, and those candidates who do not obtain the first two positions, should be disallowed to participate in the final phase of elections. The candidate getting the largest number of votes should be declared elected. The holding of elections in two phases is essential to establish the true democratic character of elections.
18. The election to the senate should be held on the basis of direct elections.
19. The seats of national and provincial assemblies should be increased in the ratio of one seat for a population of 3 lacs.
20. Election expenses should be reduced. No candidate should be allowed to spend more than Rs.20, 000.
21. The election commission should be made fully independent and self-sustained financially. Appointment of the Chief Election Commissioner should be made by consensus of all political parties and through the parliament.
22. The Election Commission should publish posters containing the names of the candidates and their political parties and election signs. It should not be done by the political parties.
23. The Election Commission should also arrange a full fledged campaign of mass awareness regarding elections in the print and electronic media
24. The voter's list should be revised yearly. The names of the dead and fake- voters should be removed, and names of those not listed and those who have reached the age of 18 years on 1<sup>st</sup> January should be added.
25. Only those political parties that have branches in all the provinces should be allowed to participate in the elections for the national assembly. Those parties having branches only in few provinces should only be allowed to take part in the elections of the provinces in which they have branches.
26. The independent candidates should not be allowed to participate in elections, because they damage the electoral process. They should instead be encouraged to join the political parties of their choice.

27. The electorate should be allowed to call back candidates of their constituencies who indulge in corruption and show bad performance.
28. Elections to the national and provincial assemblies and the local bodies should be held on party basis and joint electorate.

### **Essential steps for getting better results from elections.**

The following steps should be taken in this regard:

8. A three-month campaign should be made through out the country by the election commission and political parties so that the importance of elections is made evident and deep interest created in them so that they take part zealously in the elections and vote in large number.
9. The holding of elections every two years, and promotion of the concept of "collective leadership" should be made compulsory for political parties rather than hereditary or charismatic leadership. All political parties should be ordained to keep membership register and maintain regular accounts.
10. The political parties and their candidates should not be allowed to print and distribute slanderous material or use abusive language against other political parties or their candidates or to use racial, sectarian and religious slogans or accuse others for being enemies of Pakistan and Islam or issue decrease of infidelity against them. Candidature of such persons should be cancelled.
11. The number of polling stations should be increased and placed at central places to which most voters could walk down.
12. Party candidates should not be allowed to publish their photos on posters and billboards, to do wall chalking, give advertisements in print and electronic media and indulge in publicity through loudspeakers.
13. At the end of polling, the polling officer and polling agents representing various political parties should jointly sign the election result of that station, a copy of which should be given to the polling agents present, and should be pasted out side the polling station.

14. The Election Commission should publish a booklet on election rules for the guidance of polling agents, and give them to political parties and their candidates on payment.

## **The Criteria for Candidates**

The voters should poll their valuable vote only according to their conscience, and deliver their votes to the better person, to which ever political party he / she may belong, keeping in view the following criteria:

### **Vote only for such persons:**

7. Who is liked for his capability, service and good reputation, and is known as a good human being.
8. Who is educated, honest, of good character and truthful, and is service-minded.
9. Who is free from all kinds of prejudices, and treats all Pakistanis in a similar manner.
10. Who takes active part in social work and in solving the problems of the people.
11. Who is not involved in sectional and sectarian prejudices, and does not ask for votes in the name of *baradaris*.
12. Who is from the lower and middle classes.

### **Do not vote for such persons:**

9. Who have unlawful incomes, who spend luxurious lives, and who indulge in immoral crimes, have been convicted for a moral turpitude, have bad reputation, indulge in smuggling and black marketing and is are professional criminals.
10. Who have changed their political loyalties to gain power and wealth.
11. Who have not grabbed others' properties.
12. Who are not involved in violence, pillage, exploitation and anti-state activities.
13. Who are tax-evaders.
14. Who purchase votes, oppress, threaten and indulge in ill practices.
15. Who uses the name of Islam for attaining self-interests and for gaining power?

16. Who has sided with the present military dictatorship.

If you elect wrong people for the assemblies, you will suffer worse conditions than the present, and will lose all your rights. After that you will forfeit your right to complain about the bad state of affairs.

## **PART 5: CORRESPONDENCE OF SAFDAR HASAN SIDDIQI ON HOLDING FAIR ELECTIONS**

### **FIRST LETTER**

Your article published in Dawn contains some very pertinent points that need to be registered before I proceed further. They are:

"Hold elections – all-embracing and absolutely fair and free. Let the electoral resolve the crises along with other long-pending vital issues that are gnawing at the foundations of state and society."

"Half the century has been lost and we have had long years of military rule/quasi-civilian rule and the undermining of the democratic process has been in progress."

"What is important is not the continuity of a government but the quality of governance."

The framer of the US Constitution James Wilson stated in 1787, "people may change the constitution whenever and however they please. This is a right which no positive institution can ever deprive them."

"Elections is peaceful and nationally recognized and is the acid test of a nation's coming of age and being able to deal with its problems."

"The people's collective wisdom ensures the return of such stalwarts and statesmen as could meet the need of the hour."

"Roosevelt, Winston Churchill, Charles de Gaulle and Konrad Adenauer were all duly elected leaders who were called to play their historical role in the most testing of times, yet none of them usurped power on the grounds of "national security."

"The 1973 Constitution is more centralized than the India Act 1935 or the 1956 Constitution. It gave 114 powers to the federation. This list must now be reduced to the barest minimum."

"What is important is the motive behind constitutional amendments. Ironically, all 17 amendments to the 1973 Constitution were made either to legitimize military rule (both direct and indirect) or to strengthen the

executive at the cost of parliament, the judicature and the people's inherent civil and political rights. All over the democratic world, constitutional amendments are made to grant more political and civil rights to citizens."

The above quotations highlight the importance of the Constitution and the elections. Both the documents need extensive and incisive amendments. To start with the electoral reforms, I have prepared some proposals for guaranteeing free and fair elections, which I am sending you, as an attachment to this e-mail, for your perusal and appreciation. I would like to have your comments on these and would appreciate if you could improve on these. Please also give your postal address. My postal address is: 74/A-2 Abu Bakr Block, New Garden Town, Lahore. Mobile: 0302-4130307.

Yours truly,  
Safdar Hasan Siddiqi

## **SECOND LETTER**

Syed Afzal Haider  
Law Minister, Caretaker Government,  
Pakistan Secretariat, Islamabad.

Dear Sir,

As desired, I am sending herewith our proposals for holding free, fair and transparent elections. I hope you will find these proposals useful.

What matters most in this respect is the desire of those who hold power to enter into dialogue with the opposition parties, in the interest of the nation, and creation of a conducive atmosphere for fair elections.

I will be glad to serve you any further.

With regards and best wishes,

Yours truly,  
Safdar Hasan Siddiqi  
Convener, Pakistan Jamhoori Tehreek

### **THIRD LETTER**

Qazi Muhammad Farooq,  
Chief Election Commissioner,  
Government of Pakistan,  
Pakistan Secretariat, Islamabad.

Dear Sir, Sub: Improving the Electoral System

I am pleased to send herewith a printed treatise on "Improving the Electoral System". It has been prepared by collective deliberations of the members of the Pakistan Progress Forum, which has been formed to prepare well researched papers on the important issues faced by the nation. The above treatise is the first of the series.

This treatise contains a detailed analysis of the drawbacks of the existing electoral system, and gives positive and workable suggestions for the improvement of the electoral rules. It also lays down concrete and viable proposals for the holding of free, fair and transparent elections.

Your Election Commission is requested to study this paper in depth, and analyze the various proposals given by us. We will appreciate if you were to give us point-by-point comments on the main proposals of our organization.

Kindly acknowledge receipt of this communication, which is in dire national interest.

With regards,  
Yours truly,  
Safdar Hasan Siddiqi  
Convener, Pakistan Progressive Forum

### **FOURTH LETTER**

Dear Mr. Naeem Sadiq,

I have read your article in "The News" titled "Voter Education for Political Change" I agree with the following of your observations:

- 1) Soon we will be the victims of the same perennial candidates, same slogans, same promises and same disappointments. (if we do not exert to change the present electoral system).
- 2) The process of elections can be accelerated if the voters are more informed and have basic facts and characteristics of a contestant, so as to be able to make a considered voting decision.
- 3) 3) It is time to educate the voters to consider attitudes, competence, character, personal examples and the performance of the political leaders as the basic decision making parameters.
- 4) 4) Every politician contesting national or provincial assembly election must fill a specific form about his assets, capabilities and performance in the public field. (A better form could be made).

I would add some more requirements for ensuring free, fair and transparent elections, which I am e-mailing herewith

Your well-considered comments on this draft are expected at an early date.

I propose that such persons who have sound ideas about holding purposeful elections should coordinate with one another for producing a consensus document. Such an effort, in my view, could only be successful if we do not stick to keeping intact the status quo. Instead we should pursue a long-term objective to change the current system itself and try to replace it with a just socio-economic system.

With regards,  
Safdar Hasan Siddiqi  
Convener, Pakistan Jamhoori Tehreek



# **IMPROVING THE ELECTORAL SYSTEM**

## **Pakistan Progressive Forum**

As a matter of fact, unless the Chief Election Commissioner of Pakistan is not made fully independent and is judicially empowered (as in India) there is no possibility of the elections being free, fair, and transparent, reflecting truly the will of the people – the ultimate sovereigns of their country. Every four or five years of the nation will thus be wasted in elections and the prevailing spurious system of governance will not be changed for the better.

We have given herewith in full detail, the proposals that can guarantee the holding of fair elections. Without bringing into effect these proposals, any elections will be fruitless and a sheer loss of nation's time, money and efforts.

It is desired that all leaders of public opinion, as well as the people at large, study these and pressurize the government to improve the Election Commission's set-up and the election rules accordingly before the next general elections are held.)

### **Premise**

The Electoral System is central to the democratic process, and its contemporary form and manifestations are shaped by the evolution experienced by the democratic societies during the 20<sup>th</sup> century. When we talk of democracy, holding of elections at the central, provincial, district, tehsil and local levels is an essential process for determining effectiveness or otherwise of the democratic process. For a democratic set-up to be effective and fruitful, therefore, requires a guaranteed process of fair, free and transparent elections that reflects truly the will of the people at the various levels of society.

Having determined the importance of holding elections, we now turn towards the philosophy behind elections and the concept of democracy for any society. The basic logic upon which all articulations of the principle of democracy rests is that the Creator of the universe, whom we remember by various names has, in order to unfurl His scheme of life in the universe, created along with the universe its principal actor – the human being. Man has been endowed by the nature with all the requisite capabilities and

resources that are required by him for creating and establishing a humane, cooperative, peaceful, progressive, creative, prosperous and fraternal society. The primary attributes of man in this respect such as sovereignty, ownership of the means of production and the authority to govern, have also been securely determined in this scheme.

The divine rule set for the serious game of life that thus emerges is that the only way to ascertain the will of God today is through true representatives of the people by enabling them to reach the decision-making and policy-making systems and assemblies through a fair and unfettered election process. To set up any other system of governance through intrigue and deceit, and by manipulating elections, amounts to revolting and arraying against God and the interests of the people. Adopting this kind of a negative mindset leads one to submit to personal and political interests, and resort to the artifice of claiming God's support in one's wrong doings, as is being done by the religious elite, the depraved politicians and the military dictators.

### **Raison d'être of Elections**

Before proceeding further it would be proper if we also go to provide a few arguments that would help in contributing towards awareness of the people, who are the true sovereigns and arbiters of Pakistan's destiny.

In order to make people knowledgeable and politically aware, to raise sound leadership from amongst them with the help of honest and upright intellectuals and to form a system of good governance on truly democratic lines is, of course, a difficult task. For this, a long distance will have to be traversed and some people will have to dedicate their lives for this tremendous work. But positive results will certainly accrue if this is done. As stipulated, elections are the foundation of democracy and the propellers of social activity, and are necessary for building a vibrant society worth living in.

In order to get the best results from the election process, a string of strong arguments must be constructed and articulated. A few are given hereunder: -

1. It will be fruitless to take part in elections without changing the existing electoral system. Unless it is changed fundamentally, the exploitative class-system will continue to exist. Setting up of an independent Election Commission is a pre-requisite for fair elections.
2. Feudalists and capitalists have created the class system. Elections are an instrument of change of not only the government but also the economic,

social and political systems so that the state administration, police, judiciary and other state institutions are enabled to solve people's problems in the right way, and work for the progress of the country.

3. The present electoral system negates sovereignty of the people and their interests. It is the biggest hurdle in the way of establishing a people-friendly welfare state. It is, therefore, wrong and deceitful to claim democracy without changing this system itself.

4. The feudalists and the capitalists have created the class-system. They belong to the upper classes and have a strong hold over state institutions. Their relationship with the ordinary people is that of rulers and the ruled. They grab power through intrigues and machinations during elections, and prevent the educated, capable and upright persons of the lower and middle classes from entering the assemblies and sharing power with them.

5. The jagirdars and big landlords, the dirty amongst the rich and the religious elite have kept the masses poor, weak and uneducated, deliberately and by design, so that they do not understand their rights and also do not generate in themselves the courage to demand their rights.

6. The vested interests procure votes during elections by threatening and overawing the voters, by tempting them with money and other favours and by involving them in racial, sectarian and religious prejudices and disputes. They have consolidated their hold on political parties and do not allow them to develop their polity on democratic lines.

7. Such vested interests have been using the party workers only to further their personal interests. Elections for party offices are not held, and accounts of party funds are not maintained regularly. Those alone are made office-bearers who serve their interests, and party funds are spent on personal projection.

8. During the last years most of the politicians have worked simply as agents of the establishment. They have not used state power to solve problems of the people but have instead used it to amass wealth. They have kept the people deprived of their inherent right to utilize the means of production, which they have kept in their own possession.

9. Democracy is based on the concept that all persons living in a country are owners of the land and other means of production of the country, and that governance is their basic right, which they exercise by sending their elected representatives to the assemblies. Democracy grants equal rights and social status to all citizens and does not discriminate between them on the

basis of colour, race, religion and gender. It is sheer negation of

democracy to create a class-society by establishing economic, social and political monopolies and vested interests.

10. The importance of national interest will have to be made manifest in the public eye by doing away with racial, class, religious and sectarian prejudices, and developing clean politics free from self-interest, intolerance and authoritarianism.

11. It is incumbent upon us to re-frame our electoral system on the right lines if we love our country and are well-wishers of the nation, if we desire prosperity of the country, if we want to safeguard our children's future and if we seek to build our society on the foundation of love, peace and fraternity.

### **Objectives of Elections**

The election process is an articulation of people's will, an act of choosing representatives, a mandate for political order and making governments of their choice as a means of making policies and selecting agendas for governance.

Having laid down the premises and *raison de e'ter* of elections, we now proceed to put forward clearly the objectives of election exercises. The first objective is that those who enter the assemblies should be true representatives of the people belonging mostly to the lower and middle classes, as these two classes represent a huge majority in the country, and that they should be educated, honest, capable, fully committed, and oriented towards collective gains. Only a serious and continuous democratic process, and the holding of political awareness programmes, will ensure such welcome characteristics to emerge. In other words, it should be ensured that the representatives have been selected voluntarily by the people with their free will and without fear or greed or other systematic problems, that they have good understanding of people's problems, and that they have the will to change the existing rotten system of governance, and initiate socio-economic development process in order to bring into being a clean, creative, peaceful, progressive and democratic society. Political activists will have to undergo intensive training in this respect.

The second objective is that the polling of ballot papers should be kept totally free from the influences of money and other pressures, and that the candidates having good reputation, and engaged in useful social

activities are not prevented from taking part in elections just because they do not have enough financial resources. A desire for cooperation with such candidates will have to be engendered among the electorate. In this connection the caste and *baradari* considerations will have to be abandoned.

The administration should also be rendered completely impartial in the electoral process. Manifest institutional arrangements in all branches of administration will also have to be made. Utter disregard of these two objectives in the elections, held ever since Pakistan came into being, and the undemocratic manner in which state policies and the state administration had been carried out during the past, have resulted in the sad state of affairs that we are confronted with today. This has happened because our focus has always been on individuals to deliver, and nothing has been thought, written and moved forward to let institutions be developed and sustained to determine the collective will. We have ignored those who corrupted and destroyed the institutions to an extent that all arrangements do not function as they should.

### **Targets of Elections**

Before we propose certain improvements in the electoral system and its rules, it would be proper, first of all, to fix the goals of elections. Those who are desirous of working for national development will have to acquaint themselves with the economic, political, social and cultural issues faced by the nation, and harness the knowledge thus gained to solve the problems of the masses. They should also train the people in rendering service to others and generating open-minded leadership. In order to be successful in this pursuit, we will have to ensure the effectiveness, transparency, fairness and legitimacy of the election process, and then go on to make arrangements for creating awareness among the voters regarding the importance and meaning of elections for setting up good and effective governance system. The targets to be achieved should contain the following:

1. Ending the existing class-oriented society, and giving to the people the right of equal opportunity to utilize the means of production according to their capabilities, efforts, potentials and entitlements. The conditions to be created to facilitate the process for achieving this objective will have to be clearly laid down.

2. Loosening the hold of the vested interests over state power. This can only be done if we put our credibility on line and dare to suggest measures that will automatically direct us as a nation towards that cherished goal.

3. Devolving maximum power from the center to the provinces and local bodies. We need to make sure that local bodies do not become tools in the hands of fortune-seeking civil and military establishments. We should be serious to make the local body system work at the grassroots level and not become a tool in the hands of a central dictatorial authority. If the local body system can be improved, most of the common person's problems can be sorted out and solved.

### **Steps for Ensuring Free and Transparent Elections**

In order to make free and transparent elections certain, to remove pressures of the vested interests on voters and to enable them to use their votes in accordance with their conscience and in the best interest of the nation, the following steps need to be taken:

1. Elections should be held by a Caretaker Government, which should not include sitting ministers or their close relatives. The sitting government should resign three months before the date of elections.

2. Election Commission should be declared fully autonomous and should only be accountable to the Parliament. Its financial autonomy should also be ensured and guaranteed. The Chief Election Commissioner should be made permanent and also be given full administrative and judicial powers, as in India.

3. Setting up of an Independent Judiciary to ensure independence of the Election Commission. The judiciary should always stand by the election commission in the event of any differences between the Commission and the Government in power.

4. Taking political parties into confidence by the Election Commission for making election rules by seeking their proposals. Proposals may also be sought from the public. A proper record of these proposals should be kept.

5. Thoroughly discussing all aspects of election reforms in the print and electronic media, forums, and seminars all over the country, so that the people evince keen interest in elections before they are held, and the voters participate in the elections with zeal and fervour.

6. Courts should be authorized to make independent decisions without any pressure or fear of intimidation in order to uphold the fairness of the election process.

7. Voters should be authorized to call back their elected representatives, if they lose confidence and faith of the voters of their constituencies. The process of calling back should be formally defined in the Constitution and election rules.

8. Fixing Intermediate and Graduation as minimum educational qualification for candidates for the provincial and national assemblies respectively. But this could be a time-based measure that should not be adopted permanently.

10. Reducing the period of membership of provincial and national assemblies from 5 years to 3 years and that of senate members from 5 years to 4 years. These periods should remain till such time as people do not get politically educated sufficiently, and a good leadership does not become available to them. Training the voters, and continuous happening of transparent and impartial elections, will alone bring back the interest of voters in the electoral process.

10. Holding elections to the national and provincial assemblies on the same date.

12. Arranging direct elections to the senate while reserving seats for writers, journalists, educationists, men of learning and scientists, technocrats and men of learning, traders and industrialists, representatives of trade unions and *kissan* organizations. Seats should not be reserved separately for 'ulema', as Islam has not granted them any special institutional status as religious leaders. They are free to contest elections as 'men of learning', or from general seats on party tickets or as independents.

12. Empowering Senate to take all decisions of national importance, and creating parity among provinces for making vital decisions, policies and laws of the country. The senate should be empowered to review the budget before it is passed by the National Assembly.

13. Disallowing indirect elections in Local Bodies elections. Elections by show of hands should also be prohibited.

15. Restoring the 1973 Constitution in its original form. Any future amendments to this

Constitution should be made by the new truly democratically elected parliament.

15. Giving the right to voters to recall their candidates during their term of office on charges of corruption and inefficiency.

16. Reserving seats for women and religious minorities.

17. Merging the tribal areas and Northern Areas or joining them with other adjoining

Provinces. Candidates from these areas should be given the right to vote. They should be elected rather than nominated by the *sardars*.

18. Giving in trusteeship by the state luminaries - the president, the prime minister and the chief ministers – of all their assets.

19. Setting up a permanent and fully empowered Accountability Commission, which will receive public complaints and take decisions thereon. It should also be authorized to take *suomoto* action against corrupt and incompetent persons. It should be ensured that such commission would not be a simple tool in the hands of the vested interest by making it administratively and financially independent. Selection of its chairperson should be done by the political parties in power as well as those in the opposition, and confirmation be made through the National Assembly.

21. Administrative Accountability Courts should also be established for administrative accountability of bureaucracy for corruption and dereliction of duty.

22. The voters' list should be computerized and cleared of all bogus voters, and their copies should be supplied to the registered political parties. All those voters whose names are printed in the voter's list should be allowed to vote. Identification of voters by means other than identity cards should also be allowed. The system of challenging votes may be re-introduced

23. Elaborate arrangement should be made for revising the voters' list before the holding of elections. Votes of about 2 crore adults in private jails of jagirdars, should be enlisted. Votes of those living in the villages under the tutelage of *sardars* and big landlords, especially the women, who are not allowed by them to enlist as voters, should also be enlisted.

24. It should be mandatory for all elected governments to present all policies (economic, foreign, defense, education, finance commission etc.) to the Parliament and not make them through extra-parliamentary means. The process of



issuing Ordinances should be discouraged, and such discretionary powers of the president should be curtailed.

25. Making it essential for political parties wanting to participate in elections for National Assembly to establish branches in all provinces. Those political parties which do not have branches in all the provinces, or have these in one or few provinces, should only be allowed to participate in the provincial elections of those provinces in which they have their branches. To promote unity in the country, only those parties should be allowed participation in elections for the national assembly that get minimum vote, say 5 percent from each province.

26. Making it mandatory for political parties to have internal democracy and collective-leadership in the party. Elections of all office-bearers should be made mandatory for political parties.

27. Government should give adequate funds to registered political parties, commensurate with the percentage of votes secured by them, for their office expenses.

28. Disallowing political parties and their candidates to print and distribute slanderous material or use abusive language against other political parties or their candidates or to use racial, sectarian or religious slogans, or accuse the other political party or candidate for being enemies of Pakistan or Islam, or issue decrees of infidelity against them. Candidature of those indulging in such activities should be cancelled. There is no difference of opinion about Islam being the ideology of Pakistan. Therefore, the word "Islam" should not be used as a political slogan in elections. Any slogans should be issue-oriented.

29. Political parties should make the following documents available to the Election Commission:

- (e) Party constitution and manifesto
- (f) List of members (province wise)
- (g) List of central and provincial office-bearers
- (h) Certification of the dates when the last party elections at the provincial and central levels were held.

30. Making it mandatory for political parties to provide the following documents and information about their candidates while submitting their nomination papers: -

- g. Name, age, address and telephone number
- h. Educational status
- i. Annual income and value of personal assets
- j. Amount of taxes paid, and value of unpaid taxes

- k. Affidavits by the candidates to the effect that they have not been convicted under any criminal law and that no criminal cases are pending against them.
  - l. Holding elections at the national and provincial levels on party basis and on the basis of joint-electorate.
31. Arranging a 3-month long political awareness campaign for the people and voters through the Election Commission, for preparing them for effective participation in the elections.
32. Broadcasting dramas, specifically on elections on television and radio.
33. Limitation of constituencies should be done by keeping in view the convenience of voters and not according to the interests of certain candidates. It should be done with due consent of parties in opposition.
34. Final announcement of the constituencies should be done at least three months before the election date, and that of polling stations two months before elections.
35. The police and the administration should also be rendered completely impartial in the electoral process. Manifest institutional arrangements in all branches of administration will also have to be made.

### **Reducing Election Expenses and Improving Electoral Conduct Rules**

Specific steps should be taken to improve the electoral rules. The government should take positive and solid steps to lower election expenses so that persons with average income and resources could serve the nation through the assemblies in a better way. It should also be ensured that all segments of the society get their due share in the power structure and thus get rid of the prevailing sense of indifference, by participating in the assembly proceedings fully and with fervour. The improvements suggested are:

- 11. Reducing the election expenses to the bare minimum in order to make elections an affordable exercise for the lower and middle classes, who have limited financial resources. The limit to election expenses should be fixed at Rs.20, 000/-.
- 12. Common places should be fixed within each constituency for holding election meetings / processions, in order to avoid any disturbances to public activity and to reduce cost on these activities.

13. Strict observance of Election Code of Conduct should be made, and the violators should be disqualified from taking part in elections.
14. Banning posters, billboards, neon-signs, banners, wall chalking and advertisements in print and electronic media. The Election Commission should instead publish posters constituency-wise giving names of candidates, names of their political parties and their election symbols. These should be pasted outside the election offices and displayed at notified public places, previously advertised.
15. Disallowing loudspeakers for electioneering campaign on vehicles. Loudspeakers should be restricted only to public meetings by political parties.
16. Allowing only handbills and 4-8 page pamphlets for introducing candidates to voters in their constituencies through door-to-door contacts.
17. Putting a total ban on transporting voters on hired vehicles on the polling day, and on offering food and soft drinks in polling camps.
18. Increasing the number of polling stations and placing these at central places, so as to enable voters to walk down to these stations with ease for tendering their votes.
19. Providing every candidate with one free copy of the electoral list of his / her constituency.
20. Providing the facility to political leaders of presenting their policies and programs through the electronic media, while giving them enough time therein.

### **Holding Elections in Two Phases**

Elections should be held in two phases. The first phase should be reserved for the determining eligibility of political parties and candidates for participation in the second and final phase. Those political parties, which are unable to obtain 10% of the votes polled, should not be allowed to participate in the final phase of elections. The parties should contest the first phase by issuing list of their candidates and declaring their manifestos. The candidates who do not obtain the first two positions in the first phase of elections should be disqualified to participate in the final phase of elections. Thus the candidate securing more than 50 per cent votes will be

declared elected. The holding of elections in two phases is, therefore, essential to establish the true democratic character of elections.

### **Proportional Representation**

The system of proportional representation should not be adopted until such time as the political parties get well organized on truly democratic lines and the candidates become politically aware, educated, trained in political and social work and are keenly interested in taking part in elections. The number of mushroom political parties is also very large. The system of proportional representation could be progressively introduced in the light of the experience gained after holding a few elections on the basis of direct elections, and after the political parties become strong and small in number.

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## STRATEGY REGARDING ELECTIONS

1. To ask the voters to make it certain to tender their votes.
2. To approach the voters with the request to vote for the deserving candidates only
3. The criteria adopted for determining the eligibility of voters are:
  - (a) He/she should have a good reputation in the constituency, and is actively engaged in social work.
  - (b) He/she is not convicted for criminal offence by the court.
  - (c) He/she is not a tax defaulter.
  - (d) He/she has not sided with a dictator in the previous government.
  - (e) He/she is good-natured and not self-centered and oppressive.
  - (f) He/she does not belong to a family having vested interests.
4. The political party desirous of securing the support of the voters should:
  - (a) Have a manifesto and a work plan for its activities.
  - (b) Have a large membership, and has branches in most of the districts.
  - (c) Have a clear-cut programme for the education and health sectors, and can be depended upon for alleviation of poverty and unemployment, and provision of housing, and has the suitable infrastructure for carrying out this programme.
  - (d) Its candidates possess high qualifications and the skill to carry out the responsible job of running the government successfully.
  - (e) Have internal democracy in the party, the members are treated equally and the leadership consults them often.
5. Printed material in the form of a handbill should be printed and distributed widely, which contains an appeal to the electorate not to waste their valuable votes on unwanted candidates, and to resist any pressure.
6. A sufficient team of volunteers should be created to participate in the election process as polling agents. Not a single polling booth should remain without one or two polling agents, so that any attempt at tampering with the elections is immediately averted.
7. Any attempt to poll bogus vote, or any wrong action of the polling officer, should be brought to the notice of the local and foreign observers.

8. The top leaders of the political parties should address public gatherings in the main cities and large villages.

Free, fair and transparent voting is the basis for truly democratic elections, which alone can bring about a healthy change in the prevailing anti-people social, economic and political system.

New leadership from the educated working class of the lower and middle sections of society is essential for a truly democratic order.

Political parties should play a positive and effective role by shunning the politics of falsehood, hate, intrigue and confrontation, and adopting in all sincerity the politics of dialogue, cooperation, and coordination.

A permanent and independent Chiefs Election Commissioner with full judicial powers, appointed by Parliament, is a must.

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#### IMPORTANCE OF FAIR ELECTIONS

#### HOW TO ACHIEVE TRANSPARENT ELECTIONS?

Safdar Hasan Siddiqi

The objective of elections, among other things, should be to loosen the hold of the vested interests over state power, ending the existing class-oriented society and the hold of a few over the means of production and devolving maximum power from the center to the provinces and local bodies.

It is imperative that a plane level field is provided to all political parties, and no restrictions, whatsoever, are laid on leaders of any political party for participation in elections, if democracy is to play an effective role in the in the social, political and economic spheres of the country. Unless fair elections are ensured in every way in Pakistan, there is no chance for democracy to establish itself and flourish.

It is essential to ensure free elections through 3-month-long large-scale dissemination among the people at the lower and middle strata of society of the requisites for fair elections, by the Election Commission and the political parties, in order to prepare them for their effective participation in elections.

These requisites are:

- 51) Making elections very much less expensive by (a) banning the use of banners, bill-boards, neon-signs, print and TV adds and wall-chalking, and by substantially reducing the election fee so as to enable candidates from the lower income groups to be elected for assemblies and all segments of society could get due share in the power structure.
- 52) Reducing election expenses to Rs. 20,000.
- 53) Allocating common places in each constituency for holding election meetings.
- 54) Making obligatory strict observation of Code of Conduct for elections, and disqualifying violators from taking part in elections.
- 55) Publishing by the Election Commission of constituency-wise posters giving names of candidates and their political parties along with their election symbols, and displaying them at notified public places and outside the election offices and polling stations.
- 56) Banning the use of loudspeakers for election campaigning on vehicles, restricting their use to public meetings.
- 57) Allowing only handbills and 4-page pamphlets for introducing candidates in their constituencies in door-to-door campaigns.
- 58) Disallowing transportation of voters in hired vehicles on the polling day, and serving food and soft drinks in polling camps.
- 59) Increasing number of polling stations and placing them at central places for voters' convenience. One polling station for not more than five thousand voters be set up. The seats in the provincial and central assemblies should be increased accordingly



- 60) Provision of facilities to political parties for placing their policies and programmes before the electorate through television and radio.
- 61) Authorization of voters of all constituencies to call back any elected candidate who loses confidence of the electors after one year's performance.
- 62) Disallowing political parties and their candidates from printing and distributing slanderous material, and use abusive language against other political parties and candidates.
- 63) Disallowing use of religious slogans during election campaigns. Allowing expression of views with reference to public issues only.
- 64) Broadcasting unbiased election related dramas on radio and television by the Election Commission.
- 65) Computerizing the Voters' list and clearing it of all bogus voters, and supplying copies to all registered political parties.
- 66) Allowing all voters entered in the voters' list to vote, and allowing identification of voters by means of other than identity cards such as passports, driving license, tax registration numbers.
- 67) Revising the electoral list every year, and adding 2 crore voters in private jails of jagirdars and those living in the villages under the tutelage sardars and big landlords, especially the women who are not allowed by them to get themselves enlisted as voters.
- 68) Making obligatory the election of all office-bearers of political parties.
- 69) Giving funds by the state to registered political parties according to the percent of votes secured by political parties in the last elections.
- 70) Holding elections by a caretaker government that would not include members of the sitting government or their close relatives, and formed by consensus of the contesting parties.
- 71) Re-constituting the Election Commission and making it fully independent in administrative, legal and financial powers, not appointed by the incumbent government but with the consent of the opposition.
- 72) Making the judiciary fully independent of the PCO, making the members of the judiciary take a fresh oath on the original 1973 Constitution.
- 73) Holding elections in two phases for enabling candidates securing more than 50 per cent of polled votes to be declared

elected. Allowing only the first two candidates securing the highest number of votes to take part in the second round.

74) Fixing the period for national and provincial assemblies at 4 years and that of the Senate at 6 years

75) Holding election to the Senate on the basis of direct elections.

Unless the above requisites are secured the possibility of holding fair elections is bleak.

Considered comments on the above proposals by you is solicited within one week. It will assist us in starting a campaign for holding transparent elections, which is a sine qua non for good governance. It will be appreciated if you will amend these proposals or add some more.

## **ROPOSALS FOR HOLDING FAIR, FREE AND TRANSPARENT ELECTIONS**

**Prior to the holding of elections, the following steps should be taken:**

1. The elections scheduled for January 8 should be postponed for two months and, in the meantime, a Caretaker Government and a fully independent, legally empowered and financially secured Election Commission should be formed by mutual consent of the government and opposition parties.

2. An atmosphere of goodwill and credence should be created between the ruling and opposition parties, in the interest of the country, for initiating dialogue between them in this regard because a democratic set-up, to be effective and fruitful, requires a guaranteed process of fair, free and transparent elections that may truly reflect the will of the people.

3. The emergency imposed on November 3 should be lifted and the PCO withdrawn. The Judges of the supreme and high courts should be immediately restored.

**The following targets should be fixed for good governance:**

13. Ending the existing class society and the status quo.
14. Loosening the hold of the vested interests over state power.
15. Enabling all the people to utilize the means of production to their benefit to the best of their ability, and to participate equally in the affairs of the state for developing the society.
16. Bringing down the disparity in incomes to the minimum level.
17. Removing poverty, allaying unemployment, arranging good education and health for the people.
18. 6. Enabling the rule of law and justice to prevail.

**The following steps should be taken, on a long-term basis, for good governance:**

13. Life of national and provincial assemblies should be reduced from 5 years to 4 years and that of the Senate from 6 to 5 years.
14. The number of seats of the national and provincial assemblies should be fixed at 1 seat for 3 lacs population.
15. Maximum powers should be devolved to the provinces from the federation.
16. A permanent and fully empowered Accountability Commission should be set up to receive public complaints and take decisions thereon, authorizing it to take *suomoto* action against corruption.
17. It should be made mandatory for political parties to have internal democracy and collective leadership rather than patrimonial leadership. They should also maintain membership registers and keep proper accounts. Their candidates for election should also be made to submit documents regarding their educational status, annual income, personal assets and the amounts paid as taxes and the value of unpaid taxes. Submission

- of affidavits to the effect that they have not been convicted under any criminal law should also be made mandatory
18. It should be made essential for political parties desiring participation in elections for the national assembly to have branches in all the provinces.
  7. The candidates should not be allowed to stand from more than one constituency. The prevailing way of multiple constituencies should be discontinued.
  8. Those having branches only in one or few provinces should only be allowed to  
take part in elections for the provinces in which they have branches.
  15. Elections to the national and provincial assemblies should be held only on party basis and on the basis of joint-electorate.
  16. Elections to the Senate should be held directly, while seats should be reserved for writers, journalists, scientists, technocrats, traders, industrialists, workers and *kissans*.
  17. The 1973 Constitution should be restored to its original form because it has been disfigured beyond recognition by wrong amendments. Any useful amendments to the constitution could be made by a truly elected parliament.

**The following steps should be taken to ensure free, fair and transparent elections:**

35. In order to determine the credibility of the candidate the following criteria should be fixed:
  - (a) He is not convicted by a court of law for any criminal offence.
  - (b) He is not a tax-defaulter.
  - (c) He does not have a bad record of disservice to society.
  - (d) He has a bad reputation of being rude, abusive and oppressive.
  - (e) He is morally sound.
36. Political parties and their candidates should be debarred from printing slanderous material, or use abusive language, against other political parties or their candidates, or use racial, sectarian or religious slogans or accuse each other of being enemies of Pakistan and Islam. Candidature of those indulging in such activities should be cancelled.

37. All aspects relating to elections should be discussed in the print and electronic media and in seminars all over the country so that people evince keen interest in elections and the voters participate in elections in large numbers.
38. The voters should be given the right to recall their candidates in case they are not satisfied with their performance or they find them indulging in corruption, murder etc.
39. Election expenses should be reduced to the bare minimum in order to make elections an affordable exercise for the lower and middle classes. The limit on election expenses should be fixed at rupees 20,000/-.
40. Posters, billboards, neon signs, wall-chalking and advertisement in print and electronic media should be disallowed. Instead, it should be made the responsibility of the Election Commission to publish posters constituency-wise, giving the names of candidates, their election symbols and the names of their political parties, and displaying these outside the election offices and duly notified public places.
41. Only handbills and 4-8 page pamphlets should be allowed to be published by candidates for use during personal contacts with the voters in their constituencies.
42. The number of polling stations should be increased, and placed at easily accessible places so that the voters could walk down to them.
43. A total ban should be imposed on transporting voters to the polling stations on hired vehicles, and on offering food and soft drinks in polling camps, except plain water.
44. The number of polling stations should be increased, and placed at easily accessible places so that the voters could walk down to them.
45. The candidates and political parties should be provided with facilities to present their policies and programmes through the electronic media.
46. Persons polling fake votes should be arrested on the spot.
47. Candidates or their polling agents should not be arrested after the announcement of the election dates, except when they commit a capital offence, so as to enable them to perform their work unhindered.

48. The ballot boxes should be of transparent material. The ballot boxes should remain in the view of the polling agents and should not be removed to another room. The counting should be done immediately after the closing of polls and the results announced immediately thereafter. It should be made mandatory for polling officers of each polling station, and the polling agents present, to sign the result-sheets, and copies of it should be given to the polling agents of candidates.
49. A consolidated list of the polling results of each constituency should be prepared by the Returning Officer of each constituency and sent thereafter to the Provincial Election Commissioners for onward transmission to the Chief Election Commissioner for final declaration of election results.
50. Only those candidates should be declared elected who have secured more than 50 per cent of the polled votes. To determine this, the elections should be held in two phases. The first phase of elections should be reserved to determine the eligibility of political parties and their candidates for participation in the second phase of elections. Those political parties which are unable to obtain 10 per cent of the total polled votes, and those candidates who do not attain the first two positions in the first phase should not be allowed to participate in the second final phase of elections. The holding of election in two phases is essential to establish true democratic character of the elections.
51. The Election Commission should publish a priced booklet on election rules and regulations for the guidance of election and polling agents.

Safdar Hasan Siddiqi'  
Convener, Pakistan Jamhoori Tehreek  
December 5, 2007.  
Mobile: 0321-4348340

## **SALIENT FEATURES OF ELECTORAL REFORMS**

Safdar Hasan Siddiqi

A democratic setup to be effective and fruitful requires a guaranteed process of fair, free and transparent elections that may reflect truly the will of the people at the various levels of society.

### **Targets of Elections**

6. Ending the existing class society.
7. Loosening the hold of the vested interests over state power.

8. Enabling all the people to utilize the means of production to the best of their ability, and to participate effectively in the development of society.
9. Bringing down the disparity in incomes to the minimum level.
10. Enabling the rule of law and justice to prevail.

### **Essential Steps for Better Results Through Elections**

27. Making the Election Commission fully independent and financially secure, and giving it judicial powers. Appointment of the Chief Election Commissioner to be made by the National Assembly.
28. Reducing the life of national and provincial assemblies from 4 to 3 years and that of the Senate from 6 to 4 years.
29. Increasing the seats of the national and provincial assemblies in the ratio of 1 seat for 3 lacs population.
30. Devolving maximum power from the federation to the provinces and local bodies.
31. Setting up a permanent and fully empowered Accountability Commission to receive public complaints and take decisions thereon, authorizing it to take *suomoto* action against corrupt and inefficient people.
32. Making it essential for political parties desiring participation in elections for the national assembly to establish branches in all the provinces. Those having branches only in the provinces should be allowed to take part only in the elections of the province/provinces in which they have branches..
33. Making it mandatory for political parties to have internal democracy and collective leadership, rather than personal or patrimonial leadership. They should also maintain membership registers and keep proper accounts. Also making it mandatory on their candidates to submit documents regarding the educational status, annual income, personal assets, the amount of taxes paid and value of unpaid taxes. Submission of affidavits to the effect that they have not been convicted under any criminal law and that no criminal case is pending against him in any court, should also be made obligatory.
34. Disallowing political parties and their candidates to print and distribute slanderous material, or use abusive language, against other political parties or their candidates or use racial, sectarian or religious



slogans, or accuse others of being enemies of Pakistan and Islam. The word "Islam" should not be used as a political slogan in elections. Candidature of those indulging in such activities should be made liable to cancellation.

35. Disallowing independent candidates from participating in elections as they contribute to de-stabilizing governments.
36. Thoroughly discussing all aspects relating to elections in print and electronic media and in seminars all over the country, so that people come to evince keen interest in elections and the voters participate in elections with zeal and in large numbers.
37. Holding elections at the national and provincial levels on party basis and on the basis of joint electorate.
38. Giving in trusteeship by the state luminaries—the President, the Prime Minister and the Chief Ministers—of all their assets.
39. Arranging direct elections to the Senate while reserving seats for writers, journalists, scientists, technocrats, traders, industrialists, workers and *kissans*.
40. Giving the right to voters to recall their candidates in the assemblies in case they are not performing their duties well or are indulging in corruption, murder etc.
41. Broadcasting dramas and scripts on elections through television and radio.
42. Reducing election expenses to the bare minimum in order to make elections an affordable exercise for the lower and middle classes. The limit to election expenses should be fixed at Rs. 20,000/-.
43. Banning posters, billboards, neon signs, banners, wall chalking and advertisements in print and electronic media. Instead, the Election Commission should publish posters constituency-wise giving the names of candidates, their election symbols and names of their political parties, and these should be displayed pasted outside the election offices and duly notified public places.
44. Allowing only handbills and 4-8 page pamphlets to candidates for introducing themselves directly to the voters in their constituencies.
45. Putting a total ban on transporting voters to the polling booths on hired vehicles, and on offering food and soft drinks in the polling camps.

46. Increasing the number of polling stations and placing them at central places to facilitate voters.
47. Providing candidates and political parties with the facility to present their policies and programs through the electronic media.
48. Making it mandatory for polling officers and polling agents to sign the count- sheets at the polling stations. A countersigned copy of the count-sheet should be given to the polling agents present.
49. Arresting immediately persons polling fake ballot papers. Also immediately dismissing and blacklisting any member of the polling staff found indulging in canvassing etc. in favour of any candidate.
50. Not arresting candidates or their polling agents on fake charges after the announcement of election dates to enable them to perform their work unhindered.
51. Publishing a priced booklet on election rules and procedure by the Election Commission for the guidance of election and polling agents.
52. Restoring the 1973 Constitution to its original form at the time of its framing. Any amendments to this Constitution should be made by a truly elected parliament under free, fair and transparent elections under the new rules.

### ***Holding Elections in Two Phases***

The first phase of elections should be reserved for determining the eligibility of political parties and their candidates for participation in the second and final phase of elections. Those political parties, which are unable to obtain 10 per cent of the total votes polled, and those candidates who fail to attain the first two positions in the first phase, should be disallowed to participate in the second phase of elections. Only those candidates should be declared elected who obtain more than fifty per cent votes. The holding of elections in two phases is essential to establish the true democratic character of elections.

### **The Prevailing Political Situation**

The feudalists and capitalists have monopolized their hold on the means of production, and have created a class society in Pakistan by establishing economic, social and political monopolies. These vested interests have consolidated their hold on political parties and do not allow them to develop their polity on democratic lines. They have also consolidated their hold over state institution. They grab power and wealth through intrigues and machinations during fake elections, and prevent the educated, capable, sincere and honest persons belonging to the lower and middle classes from entering the assemblies and sharing power with them. They, with the connivance of the religious elite, have deliberately, and by design, kept the masses poor, weak and uneducated so as to disable them from understanding their rights and standing up for their realization. They have been using party workers only to further their personal interests. Those alone are made office-bearers who serve their interests, and party funds are spent on personal projection. During the last 56 years they have not used state power to solve the problems of the people. They have kept the people deprived of their right to utilize the means of production of the country.

The present electoral system negates sovereignty of the people and their interests. It is the biggest hurdle in the way of establishing a people-friendly welfare state devoted to raising the standard of living of the poor. Democracy grants equal rights and status to all citizens and does not discriminate between them on the basis of color, race, religion and gender. The present anti-people system will, therefore, have to be changed. Elections are an instrument of changing not only the government but also the economic, social and political systems so that the state administration, the police and the judiciary are enabled to solve problems in the right way, and work whole-heartedly for the progress of the country.

The importance of the national interest will have to be made manifest in the public eye by doing away with racial, religious and sectarian prejudices, and by developing clean politics free from self-interest, intolerance and authoritarianism. If we love our country, if we are well-wishers of the nation, if we desire prosperity of the country and a good name in the comity of nations, if we want to safeguard our children's future, and if we seek to build our society on the foundation of love, peace and human fraternity, it is incumbent upon us to reframe our electoral system on the right lines.

June 12, 2005.

## **FAIR ELECTIONS, THE ONLY WAY OUT**

Your article published in Dawn contains some very pertinent points that need to be registered before I proceed further. They are:

“Hold elections – all-embracing and absolutely fair and free. Let the electoral resolve the crises along with other long-pending vital issues that are gnawing at the foundations of state and society.”

“Half the century has been lost and we have has long years of military rule/quasi-civilian rule and the undermining of the democratic process has been in progress.”

“What is important is not the continuity of a government but the quality of governance.”

The framer of the US Constitution James Wilson stated in 1787, “people may change the constitution whenever and however they please. This is a right which no positive institution can ever deprive them.”

"Elections is peaceful and nationally recognized and is the acid test of a nation's coming of age and being able to deal with its problems."

"The people's collective wisdom ensures the return of such stalwarts and statesmen as could meet the need of the hour."

"Roosevelt, Winston Churchill, Charles de Gaulle and Konrad Adenauer were all duly elected leaders who were called to play their historical role in the most testing of times, yet none of them usurped power on the grounds of "national security."

"The 1973 Constitution is more centralized than the India Act 1935 or the 1956 Constitution. It gave 114 powers to the federation. This list must now be reduced to the barest minimum."

"What is important is the motive behind constitutional amendments. Ironically, all 17 amendments to the 1973 Constitution were made either to legitimize military rule (both direct and indirect) or to strengthen the executive at the cost of parliament, the judicature and the people's inherent civil and political rights. All over the democratic world, constitutional amendments are made to grant more political and civil rights to citizens."

The above quotations highlight the importance of the Constitution and the elections. Both the documents need extensive and incisive amendments. To start with the electoral reforms, I have prepared some proposals for guaranteeing free and fair elections, which I am sending you, as an attachment to this e-mail, for your perusal and appreciation. I would like to have your comments on these and would appreciate if you could improve on these. Please also give your postal address. My postal address is: 74/A-2 Abu Bakr Block, New Garden Town, Lahore. Mobile: 0302-4130307.

Yours truly,  
Safdar Hasan Siddiqi

## **ELECTORAL REFORMS VIEWPOINT OF PAKISTAN JEMHOORI TEHREEK**

### **Present Situation**

At present 90 percent members of the assemblies are representatives of feudals and capitalists, who by establishing their social, economic, and political monopolies have laid the foundation of class-society in Pakistan. They have a strong hold over the political parties, and their representatives in these parties do not let them do any planning in favour of the people on democratic lines. These elements have also grasped state institutions. They acquire power and wealth through intrigues and machinations and do not allow the educated, capable and honest persons from amongst the lower and middle classes, who are in, absolute majority, to share power with them. They have kept the people poor, financially handicapped and

uneducated with the help of the religious elite, so that they may remain ignorant about their rights, and do not stand up to secure these rights. During the last 56 years they have not used state power to solve the problems of the people.

The existent system of elections negates the severity of the people and their interests. This system prevents the establishment of a "people friendly welfare state" which raises standard of living of the poor. Democracy gives equal rights and status to all citizens and do not differentiate between them on the bases of color, race, religion and gender. Election is an instrument for changing the social economic and political systems so that, through it, the country's executives and judiciary may solve their problems in a proper manner and work jointly for the progress of the country.

We will have to highlight the national interests in the eyes of the people. For this purpose we will have to end national religious and sectarian prejudices and have to arrange a politics which is free from intolerance and despotism. If we love our country and are sincere with the nation, if we are desirous of our country's development and prosperity, if we want to have a good name amongst the family of nations and if we want to build our society on the bases of love, peace and human fraternity, we shall have to formulate the electoral system on the right lines.

### **The Aims of Elections**

The aims of elections should be determined on the following lines:

11. Ending the existing class-society.
12. Loosening the hold of the vested interests over state power.
13. Enabling all the people to utilize the means of production to the best of their ability, and to participate effectively in the development of society.
14. Bringing down disparity in incomes to the minimum level.
15. Enabling the rule of law and justice to prevail.

## Basic Election reforms

The following basic electoral reforms should be made

29. The life of the national and provincial assemblies should be reduced to 3 years and that of the Senate to 4 years.
30. The elections to the national and provincial assemblies should be held at the same time.
31. All elections should be held in two stages. The first phase should be reserved for determining eligibility of political parties and candidates for participation in the second and final phase. Those political parties, which are unable to obtain 20% of the votes polled, and those candidates who do not obtain the first two positions, should be disallowed to participate in the final phase of elections. The candidate getting the largest number of votes should be declared elected. The holding of elections in two phases is essential to establish the true democratic character of elections.
32. The election to the senate should be held on the basis of direct elections.
33. The seats of national and provincial assemblies should be increased in the ratio of one seat for a population of 3 lacs.
34. Election expenses should be reduced. No candidate should be allowed to spend more than Rs.20, 000.
35. The election commission should be made fully independent and self-sustained financially. Appointment of the Chief Election Commissioner should be made by consensus of all political parties and through the parliament.
36. The Election Commission should publish posters containing the names of the candidates and their political parties and election signs. It should not be done by the political parties.
37. The Election Commission should also arrange a full fledged campaign of mass awareness regarding elections in the print and electronic media
38. The voter's list should be revised yearly. The names of the dead and fake- voters should be removed, and names of those not listed and those who have reached the age of 18 years on 1<sup>st</sup> January should be added.
39. Only those political parties that have branches in all the provinces should be allowed to participate in the elections for the national assembly. Those parties having branches only in few



provinces should only be allowed to take part in the elections of the provinces in which they have branches.

40. The independent candidates should not be allowed to participate in elections, because they damage the electoral process. They should instead be encouraged to join the political parties of their choice.
41. The electorate should be allowed to call back candidates of their constituencies who indulge in corruption and show bad performance.
42. Elections to the national and provincial assemblies and the local bodies should be held on party basis and joint electorate.

### **Essential steps for getting better results from elections.**

The following steps should be taken in this regard:

15. A three-month campaign should be made through out the country by the election commission and political parties so that the importance of elections is made evident and deep interest created in them so that they take part zealously in the elections and vote in large number.
16. The holding of elections every two years, and promotion of the concept of "collective leadership" should be made compulsory for political parties rather than hereditary or charismatic leadership. All political parties should be ordained to keep membership register and maintain regular accounts.
17. The political parties and their candidates should not be allowed to print and distribute slanderous material or use abusive language against other political parties or their candidates or to use racial, sectarian and religious slogans or accuse others for being enemies of Pakistan and Islam or issue decrease of infidelity against them. Candidature of such persons should be cancelled.
18. The number of polling stations should be increased and placed at central places to which most voters could walk down.
19. Party candidates should not be allowed to publish their photos on posters and billboards, to do wall chalking, give advertisements in print and electronic media and indulge in publicity through loudspeakers.

20. At the end of polling, the polling officer and polling agents representing various political parties should jointly sign the election result of that station, a copy of which should be given to the polling agents present, and should be pasted outside the polling station.
21. The Election Commission should publish a booklet on election rules for the guidance of polling agents, and give them to political parties and their candidates on payment.

### **The Criteria for Candidates**

The voters should poll their valuable vote only according to their conscience, and deliver their votes to the better person, to which ever political party he / she may belong, keeping in view the following criteria:

#### **Vote only for such persons:**

13. Who is liked for his capability, service and good reputation, and is known as a good human being.
14. Who is educated, honest, of good character and truthful, and is service-minded.
15. Who is free from all kinds of prejudices, and treats all Pakistanis in a similar manner.
16. Who takes active part in social work and in solving the problems of the people.
17. Who is not involved in sectional and sectarian prejudices, and does not ask for votes in the name of *baradaris*.
18. Who is from the lower and middle classes.

#### **Do not vote for such persons:**

17. Who have unlawful incomes, who spend luxurious lives, and who indulge in immoral crimes, have been convicted for a moral turpitude, have bad reputation, indulge in smuggling and black marketing and are professional criminals.
18. Who have changed their political loyalties to gain power and wealth.
19. Who have not grabbed others' properties.
20. Who are not involved in violence, pillage, exploitation and anti-state activities.

21. Who are tax-evaders.
22. Who purchase votes, oppress, threaten and indulge in ill practices.
23. Who uses the name of Islam for attaining self-interests and for gaining power?
24. Who has sided with the present military dictatorship.

If you elect wrong people for the assemblies, you will suffer worse conditions than the present, and will lose all your rights. After that you will forfeit your right to complain about the bad state of affairs.

### **PAKISTAN JEMHOORI TEHREEK**

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## **DEMOCRACY ON THE MOVE PAKISTAN'S NEED FOR A NEW ELECTORAL SYSTEM**

**By Safdar Hasan Siddiqi**

**Edited by Iftikhar Hasan Siddiqi**

### **PART 1: IMPORTANCE OF FAIR ELECTIONS**

### **HOW TO ACHIEVE TRANSPARENT ELECTIONS?**

The objective of elections, among other things, should be to loosen the hold of the vested interests over state power, ending the existing class-

oriented society and the hold of a few over the means of production and devolving maximum power from the center to the provinces and local bodies.

It is imperative that a plane level field is provided to all political parties, and no restrictions, whatsoever, are laid on leaders of any political party for participation in elections, if democracy is to play an effective role in the in the social, political and economic spheres of the country. Unless fair elections are ensured in every way in Pakistan, there is no chance for democracy to establish itself and flourish.

It is essential to ensure free elections through 3-month-long large-scale dissemination among the people at the lower and middle strata of society of the requisites for fair elections, by the Election Commission and the political parties, in order to prepare them for their effective participation in elections.

These requisites are:

- 76) Making elections very much less expensive by (a) banning the use of banners, bill-boards, neon-signs, print and TV adds and wall-chalking, and by substantially reducing the election fee so as to enable candidates from the lower income groups to be elected for assemblies and all segments of society could get due share in the power structure.
- 77) Reducing election expenses to Rs. 20,000.
- 78) Allocating common places in each constituency for holding election meetings.
- 79) Making obligatory strict observation of Code of Conduct for elections, and disqualifying violators from taking part in elections.
- 80) Publishing by the Election Commission of constituency-wise posters giving names of candidates and their political parties along with their election symbols, and displaying them at notified public places and outside the election offices and polling stations.
- 81) Banning the use of loudspeakers for election campaigning on vehicles, restricting their use to public meetings.
- 82) Allowing only handbills and 4-page pamphlets for introducing candidates in their constituencies in door-to-door campaigns.
- 83) Disallowing transportation of voters in hired vehicles on the polling day, and serving food and soft drinks in polling camps.
- 84) Increasing number of polling stations and placing them at central places for voters' convenience. One polling station for not

- more than five thousand voters be set up. The seats in the provincial and central assemblies should be increased accordingly
- 85) Provision of facilities to political parties for placing their policies and programmes before the electorate through television and radio.
  - 86) Authorization of voters of all constituencies to call back any elected candidate who loses confidence of the electors after one year's performance.
  - 87) Disallowing political parties and their candidates from printing and distributing slanderous material, and use abusive language against other political parties and candidates.
  - 88) Disallowing use of religious slogans during election campaigns. Allowing expression of views with reference to public issues only.
  - 89) Broadcasting unbiased election related dramas on radio and television by the Election Commission.
  - 90) Computerizing the Voters' list and clearing it of all bogus voters, and supplying copies to all registered political parties.
  - 91) Allowing all voters entered in the voters' list to vote, and allowing identification of voters by means of other than identity cards such as passports, driving license, tax registration numbers.
  - 92) Revising the electoral list every year, and adding 2 crore voters in private jails of jagirdars and those living in the villages under the tutelage sardars and big landlords, especially the women who are not allowed by them to get themselves enlisted as voters.
  - 93) Making obligatory the election of all office-bearers of political parties.
  - 94) Giving funds by the state to registered political parties according to the percent of votes secured by political parties in the last elections.
  - 95) Holding elections by a caretaker government that would not include members of the sitting government or their close relatives, and formed by consensus of the contesting parties.
  - 96) Re-constituting the Election Commission and making it fully independent in administrative, legal and financial powers, not appointed by the incumbent government but with the consent of the opposition.
  - 97) Making the judiciary fully independent of the PCO, making the members of the judiciary take a fresh oath on the original 1973 Constitution.

- 98) Holding elections in two phases for enabling candidates securing more than 50 per cent of polled votes to be declared elected. Allowing only the first two candidates securing the highest number of votes to take part in the second round.
- 99) Fixing the period for national and provincial assemblies at 4 years and that of the Senate at 6 years
- 100) Holding election to the Senate on the basis of direct elections.

Unless the above requisites are secured the possibility of holding fair elections is bleak.

Considered comments on the above proposals by you is solicited within one week. It will assist us in starting a campaign for holding transparent elections, which is a sine qua non for good governance. It will be appreciated if you will amend these proposals or add some more.

## **PART 2: IMPROVING THE ELECTORAL SYSTEM**

(As a matter of fact, unless the Chief Election Commissioner of Pakistan is not made fully independent and is judicially empowered (as in India) there is no possibility of the elections being free, fair, and transparent, reflecting truly the will of the people – the ultimate sovereigns of their country. Every four or five years of the nation will thus be wasted in elections and the prevailing spurious system of governance will not be changed for the better.

We have given herewith in full detail, the proposals that can guarantee the holding of fair elections. Without bringing into effect these proposals, any elections will be fruitless and a sheer loss of nation's time, money and efforts.

It is desired that all leaders of public opinion, as well as the people at large, study these and pressurize the government to improve the Election Commission's set-up and the election rules accordingly before the next general elections are held.)

### **Premise**

The Electoral System is central to the democratic process, and its contemporary form and manifestations are shaped by the evolution experienced by the democratic societies during the 20<sup>th</sup> century. When we talk of democracy, holding of elections at the central, provincial, district, tehsil and local levels is an essential process for determining effectiveness or otherwise of the democratic process. For a democratic set-up to be effective and fruitful, therefore, requires a guaranteed process of fair, free and transparent elections that reflects truly the will of the people at the various levels of society.

Having determined the importance of holding elections, we now turn towards the philosophy behind elections and the concept of democracy for any society. The basic logic upon which all articulations of the principle of democracy rests is that the Creator of the universe, whom we remember by various names has, in order to unfurl His scheme of life in the universe, created along with the universe its principal actor – the human being. Man has been endowed by Nature with all the requisite capabilities and resources that are required by him for creating and establishing a humane, cooperative, peaceful, progressive, creative, prosperous and fraternal society. The primary attributes of man in this respect such as sovereignty, ownership of the means of production and the authority to govern, have also been securely determined in this scheme.

The divine rule set for the serious game of life that thus emerges is that the only way to ascertain the will of God today is through true representatives of the people by enabling them to reach the decision-making and policy-making systems and assemblies through a fair and unfettered election process. To set up any other system of governance through intrigue and deceit, and by manipulating elections, amounts to revolting and arraying against God and the interests of the people. Adopting this kind of a negative mindset leads one to submit to personal and political interests, and resort to the artifice of claiming God's support in one's wrong doings, as is being done by the religious elite, the depraved politicians and the military dictators.

### **Raison d'être of Elections**

Before proceeding further it would be proper if we also go to provide a few arguments that would help in contributing towards awareness of the people, who are the true sovereigns and arbiters of Pakistan's destiny.

In order to make people knowledgeable and politically aware, to raise sound leadership from amongst them with the help of honest and upright intellectuals and to form a system of good governance on truly democratic lines is, of course, a difficult task. For this, a long distance will have to be traversed and some people will have to dedicate their lives for this tremendous work. But positive results will certainly accrue if this is done. As stipulated, elections are the foundation of democracy and the propellers of social activity, and are necessary for building a vibrant society worth living in.

In order to get the best results from the election process, a string of strong arguments must be constructed and articulated. A few are given hereunder: -

1. It will be fruitless to take part in elections without changing the existing electoral system. Unless it is changed fundamentally, the exploitative class-system will continue to exist. Setting up of an independent Election Commission is a pre-requisite for fair elections.
2. Feudalists and capitalists have created the class system. Elections are an instrument of change of not only the government but also the economic, social and political systems so that the state administration, police, judiciary and other state institutions are enabled to solve people's problems in the right way, and work for the progress of the country.
3. The present electoral system negates sovereignty of the people and their interests. It is the biggest hurdle in the way of establishing a people-friendly welfare state. It is, therefore, wrong and deceitful to claim democracy without changing this system itself.
4. The feudalists and the capitalists have created the class-system. They belong to the upper classes and have a strong hold over state institutions. Their relationship with the ordinary people is that of rulers and the ruled. They grab power through intrigues and machinations during elections, and prevent the educated, capable and upright persons of the lower and middle classes from entering the assemblies and sharing power with them.
5. The jagirdars and big landlords, the dirty amongst the rich and the religious elite have kept the masses poor, weak and uneducated, deliberately and by design, so that they do not understand their rights and also do not generate in themselves the courage to demand their rights.
6. The vested interests procure votes during elections by threatening and overawing the voters, by tempting them with money and other favours and by involving them in racial, sectarian and religious prejudices and disputes.



They have consolidated their hold on political parties and do not allow them to develop their polity on democratic lines.

7. Such vested interests have been using the party workers only to further their personal interests. Elections for party offices are not held, and accounts of party funds are not maintained regularly. Those alone are made office-bearers who serve their interests, and party funds are spent on personal projection.

8. During the last years most of the politicians have worked simply as agents of the establishment. They have not used state power to solve problems of the people but have instead used it to amass wealth. They have kept the people deprived of their inherent right to utilize the means of production, which they have kept in their own possession.

9. Democracy is based on the concept that all persons living in a country are owners of the land and other means of production of the country, and that governance is their basic right, which they exercise by sending their elected representatives to the assemblies. Democracy grants equal rights and social status to all citizens and does not discriminate between them on the

basis of colour, race, religion and gender. It is sheer negation of democracy to create a class-society by establishing economic, social and political monopolies and vested interests.

10. The importance of national interest will have to be made manifest in the

public eye by doing away with racial, class, religious and sectarian prejudices, and developing clean politics free from self-interest, intolerance and authoritarianism.

11. It is incumbent upon us to re-frame our electoral system on the right lines if we love our country and are well-wishers of the nation, if we desire prosperity of the country, if we want to safeguard our children's future and if we seek to build our society on the foundation of love, peace and fraternity.

### **Objectives of Elections**

The election process is an articulation of people's will, an act of choosing representatives, a mandate for political order and making governments of their choice as a means of making policies and selecting agendas for governance.

Having laid down the premises and *raison de e'ter* of elections, we now proceed to put forward clearly the objectives of election exercises. The first objective is that those who enter the assemblies should be true representatives of the people belonging mostly to the lower and middle classes, as these two classes represent a huge majority in the country, and that they should be educated, honest, capable, fully committed, and oriented towards collective gains. Only a serious and continuous democratic process, and the holding of political awareness programmes, will ensure such welcome characteristics to emerge. In other words, it should be ensured that the representatives have been selected voluntarily by the people with their free will and without fear or greed or other systematic problems, that they have good understanding of people's problems, and that they have the will to change the existing rotten system of governance, and initiate socio-economic development process in order to bring into being a clean, creative, peaceful, progressive and democratic society. Political activists will have to undergo intensive training in this respect.

The second objective is that the polling of ballot papers should be kept totally free from the influences of money and other pressures, and that the candidates having good reputation, and engaged in useful social activities are not prevented from taking part in elections just because they do not have enough financial resources. A desire for cooperation with such candidates will have to be engendered among the electorate. In this connection the caste and *baradari* considerations will have to be abandoned.

The administration should also be rendered completely impartial in the electoral process. Manifest institutional arrangements in all branches of administration will also have to be made. Utter disregard of these two objectives in the elections, held ever since Pakistan came into being, and the undemocratic manner in which state policies and the state administration had been carried out during the past, have resulted in the sad state of affairs that we are confronted with today. This has happened because our focus has always been on individuals to deliver, and nothing has been thought, written and moved forward to let institutions be developed and sustained to determine the collective will. We have ignored those who corrupted and destroyed the institutions to an extent that all arrangements do not function as they should.

## **Targets of Elections**

Before we propose certain improvements in the electoral system and its rules, it would be proper, first of all, to fix the goals of elections. Those who are desirous of working for national development will have to acquaint themselves with the economic, political, social and cultural issues faced by the nation, and harness the knowledge thus gained to solve the problems of the masses. They should also train the people in rendering service to others and generating open-minded leadership. In order to be successful in this pursuit, we will have to ensure the effectiveness, transparency, fairness and legitimacy of the election process, and then go on to make arrangements for creating awareness among the voters regarding the importance and meaning of elections for setting up good and effective governance system. The targets to be achieved should contain the following:

1. Ending the existing class-oriented society, and giving to the people the right of equal opportunity to utilize the means of production according to their capabilities, efforts, potentials and entitlements. The conditions to be created to facilitate the process for achieving this objective will have to be clearly laid down.

2. Loosening the hold of the vested interests over state power. This can only be done if we put our credibility on line and dare to suggest measures that will automatically direct us as a nation towards that cherished goal.

3. Devolving maximum power from the center to the provinces and local bodies. We need to make sure that local bodies do not become tools in the hands of fortune-seeking civil and military establishments. We should be serious to make the local body system work at the grassroots level and not become a tool in the hands of a central dictatorial authority. If the local body system can be improved, most of the common person's problems can be sorted out and solved.

## **Steps for Ensuring Free and Transparent Elections**

In order to make free and transparent elections certain, to remove pressures of the vested interests on voters and to enable them to use their votes in accordance with their conscience and in the best interest of the nation, the following steps need to be taken:

1. Elections should be held by a Caretaker Government, which

should not include sitting ministers or their close relatives. The sitting government should resign three months before the date of elections.

2. Election Commission should be declared fully autonomous and should only be accountable to the Parliament. Its financial autonomy should also be ensured and guaranteed. The Chief Election Commissioner should be made permanent and also be given full administrative and judicial powers, as in India.

3. Setting up of an Independent Judiciary to ensure independence of the Election Commission. The judiciary should always stand by the election commission in the event of any differences between the Commission and the Government in power.

4. Taking political parties into confidence by the Election Commission for making election rules by seeking their proposals. Proposals may also be sought from the public. A proper record of these proposals should be kept.

5. Thoroughly discussing all aspects of election reforms in the print and electronic media, forums, and seminars all over the country, so that the people evince keen interest in elections before they are held, and the voters participate in the elections with zeal and fervour.

6. Courts should be authorized to make independent decisions without any pressure or fear of intimidation in order to uphold the fairness of the election process.

7. Voters should be authorized to call back their elected representatives, if they lose confidence and faith of the voters of their constituencies. The process of calling back should be formally defined in the Constitution and election rules.

8. Fixing Intermediate and Graduation as minimum educational qualification for candidates for the provincial and national assemblies respectively. But this could be a time-based measure that should not be adopted permanently.

11. Reducing the period of membership of provincial and national assemblies from 5 years to 3 years and that of senate members from 5 years to 4 years. These periods should remain till such time as people do not get politically educated sufficiently, and a good leadership does not become available to them. Training the voters, and continuous happening of transparent and impartial elections, will alone bring back the interest of voters in the electoral process.

10. Holding elections to the national and provincial assemblies on the same date.

13. Arranging direct elections to the senate while reserving seats for writers, journalists, educationists, men of learning and scientists, technocrats and men of learning, traders and industrialists, representatives of trade unions and *kissan* organizations. Seats should not be reserved separately for 'ulema', as Islam has not granted them any special institutional status as religious leaders. They are free to contest elections as 'men of learning', or from general seats on party tickets or as independents.

12. Empowering Senate to take all decisions of national importance, and creating parity among provinces for making vital decisions, policies and laws of the country. The senate should be empowered to review the budget before it is passed by the National Assembly.

13. Disallowing indirect elections in Local Bodies elections. Elections by show of hands should also be prohibited.

16. Restoring the 1973 Constitution in its original form. Any future amendments to this Constitution should be made by the new truly democratically elected parliament.

15. Giving the right to voters to recall their candidates during their term of office on charges of corruption and inefficiency.

16. Reserving seats for women and religious minorities.

17. Merging the tribal areas and Northern Areas or joining them with other adjoining Provinces. Candidates from these areas should be given the right to vote. They should be elected rather than nominated by the *sardars*.

18. Giving in trusteeship by the state luminaries - the president, the prime minister and the chief ministers - of all their assets.

19. Setting up a permanent and fully empowered Accountability Commission, which will receive public complaints and take decisions thereon. It should also be authorized to take *suomoto* action against corrupt and incompetent persons. It should be ensured that such commission would not be a simple tool in the hands of the vested interest by making it administratively and financially independent. Selection of its chairperson should be done by the political parties in power as well as those in the opposition, and confirmation be made through the National Assembly.

21. Administrative Accountability Courts should also be established for administrative accountability of bureaucracy for corruption and dereliction of duty.

22. The voters' list should be computerized and cleared of all bogus voters, and their copies should be supplied to the registered political parties. All those voters whose names are printed in the voter's list should be allowed to vote. Identification of voters by means other than identity cards should also be allowed. The system of challenging votes may be re-introduced

23. Elaborate arrangement should be made for revising the voters' list before the holding of elections. Votes of about 2 crore adults in private jails of jagirdars, should be enlisted. Votes of those living in the villages under the tutelage of *sardars* and big landlords, especially the women, who are not allowed by them to enlist as voters, should also be enlisted.

24. It should be mandatory for all elected governments to present all policies (economic, foreign, defense, education, finance commission etc.) to the Parliament and not make them through extra-parliamentary means. The process of issuing Ordinances should be discouraged, and such discretionary powers of the president should be curtailed.

26. Making it essential for political parties wanting to participate in elections for National Assembly to establish branches in all provinces. Those political parties which do not have branches in all the provinces, or have these in one or few provinces, should only be allowed to participate in the provincial elections of those provinces in which they have their branches. To promote unity in the country, only those parties should be allowed participation in elections for the national assembly that get minimum vote, say 5 percent from each province.

26. Making it mandatory for political parties to have internal democracy and collective-leadership in the party. Elections of all office-bearers should be made mandatory for political parties.

27. Government should give adequate funds to registered political parties, commensurate with the percentage of votes secured by them, for their office expenses.

28. Disallowing political parties and their candidates to print and distribute slanderous material or use abusive language against other political parties or their candidates or to use racial, sectarian or religious slogans, or accuse the other political party or candidate for being enemies of Pakistan or Islam, or issue decrees of infidelity against them. Candidature of those indulging in such activities should be cancelled. There is no difference of opinion about Islam being the ideology of Pakistan. Therefore, the word "Islam" should not be used as a political slogan in elections. Any slogans should be issue-oriented.

29. Political parties should make the following documents available to the Election

Commission:

- (i) Party constitution and manifesto
- (j) List of members (province wise)
- (k) List of central and provincial office-bearers
- (l) Certification of the dates when the last party elections at the provincial and central levels were held.

30. Making it mandatory for political parties to provide the following documents and information about their candidates while submitting their nomination papers: -

- m. Name, age, address and telephone number
- n. Educational status
- o. Annual income and value of personal assets
- p. Amount of taxes paid, and value of unpaid taxes
- q. Affidavits by the candidates to the effect that they have not been convicted under any criminal law and that no criminal cases are pending against them.
- r. Holding elections at the national and provincial levels on party basis and on the basis of joint-electorate.

31. Arranging a 3-month long political awareness campaign for the people and voters through the Election Commission, for preparing them for effective participation in the elections. 32. Broadcasting dramas, specifically on elections on television and radio.

33. Limitation of constituencies should be done by keeping in view the convenience of voters and not according to the interests of certain candidates. It should be done with due consent of parties in opposition.

34. Final announcement of the constituencies should be done at least three months before the election date, and that of polling stations two months before elections.

35. The police and the administration should also be rendered completely impartial in the electoral process. Manifest institutional arrangements in all branches of administration will also have to be made.

### **Reducing Election Expenses and Improving Electoral Conduct Rules**

Specific steps should be taken to improve the electoral rules. The government should take positive and solid steps to lower election expenses so that persons with average income and resources could serve the nation through the assemblies in a better way. It should also be ensured that all segments of the society get their due share in the power structure and thus get rid of the prevailing sense of indifference, by participating in the assembly proceedings fully and with fervour. The improvements suggested are:

21. Reducing the election expenses to the bare minimum in order to make elections an affordable exercise for the lower and middle classes, who have limited financial resources. The limit to election expenses should be fixed at Rs.20, 000/-.
22. Common places should be fixed within each constituency for holding election meetings / processions, in order to avoid any disturbances to public activity and to reduce cost on these activities.
23. Strict observance of Election Code of Conduct should be made, and the violators should be disqualified from taking part in elections.
24. Banning posters, billboards, neon-signs, banners, wall chalking and advertisements in print and electronic media. The Election Commission should instead publish posters constituency-wise giving names of candidates, names of their political parties and their election symbols. These should be pasted outside the election offices and displayed at notified public places, previously advertised.
25. Disallowing loudspeakers for electioneering campaign on vehicles. Loudspeakers should be restricted only to public meetings by political parties.



26. Allowing only handbills and 4-8 page pamphlets for introducing candidates to voters in their constituencies through door-to-door contacts.
27. Putting a total ban on transporting voters on hired vehicles on the polling day, and on offering food and soft drinks in polling camps.
28. Increasing the number of polling stations and placing these at central places, so as to enable voters to walk down to these stations with ease for tendering their votes.
29. Providing every candidate with one free copy of the electoral list of his / her constituency.
30. Providing the facility to political leaders of presenting their policies and programs through the electronic media, while giving them enough time therein.

### **Holding Elections in Two Phases**

Elections should be held in two phases. The first phase should be reserved for the determining eligibility of political parties and candidates for participation in the second and final phase. Those political parties, which are unable to obtain 10% of the votes polled, should not be allowed to participate in the final phase of elections. The parties should contest the first phase by issuing list of their candidates and declaring their manifestos. The candidates who do not obtain the first two positions in the first phase of elections should be disqualified to participate in the final phase of elections. Thus the candidate securing more than 50 per cent votes will be declared elected. The holding of elections in two phases is, therefore, essential to establish the true democratic character of elections.

### **Proportional Representation**

The system of proportional representation should not be adopted until such time as the political parties get well organized on truly democratic lines and the candidates become politically aware, educated, trained in political and social work and are keenly interested in taking part in elections. The number of mushroom political parties is also very large. The system of proportional representation could be progressively introduced in the light of the experience gained after holding a few

elections on the basis of direct elections, and after the political parties become strong and small in number.

## **PART 3: ROPOSALS FOR HOLDING FAIR, FREE AND TRANSPARENT ELECTIONS**

**Prior to the holding of elections, the following steps should be taken:**

1. The elections scheduled for January 8 should be postponed for two months and, in the meantime, a Caretaker Government and a fully independent, legally empowered and financially secured Election Commission should be formed by mutual consent of the government and opposition parties.

2. An atmosphere of goodwill and credence should be created between the ruling and opposition parties, in the interest of the country, for initiating dialogue between them in this regard because a democratic set-up, to be effective and fruitful, requires a guaranteed process of fair, free and transparent elections that may truly reflect the will of the people.

3. The emergency imposed on November 3 should be lifted and the PCO withdrawn. The Judges of the supreme and high courts should be immediately restored.

**The following targets should be fixed for good governance:**

19. Ending the existing class society and the status quo.
20. Loosening the hold of the vested interests over state power.
21. Enabling all the people to utilize the means of production to their benefit to the best of their ability, and to participate equally in the affairs of the state for developing the society.
22. Bringing down the disparity in incomes to the minimum level.
23. Removing poverty, allaying unemployment, arranging good education and health for the people.
24. 6. Enabling the rule of law and justice to prevail.

**The following steps should be taken, on a long-term basis, for good governance:**

19. Life of national and provincial assemblies should be reduced from 5 years to 4 years and that of the Senate from 6 to 5 years.
20. The number of seats of the national and provincial assemblies should be fixed at 1 seat for 3 lacs population.
21. Maximum powers should be devolved to the provinces from the federation.
22. A permanent and fully empowered Accountability Commission should be set up to receive public complaints and take decisions thereon, authorizing it to take *suomoto* action against corruption.
23. It should be made mandatory for political parties to have internal democracy and collective leadership rather than patrimonial leadership. They should also maintain membership registers and keep proper accounts. Their candidates for election should also be made to submit documents regarding their educational status, annual income, personal assets and the amounts paid as taxes and the value of unpaid taxes. Submission of affidavits to the effect that they have not been convicted under any criminal law should also be made mandatory
24. It should be made essential for political parties desiring participation in elections for the national assembly to have branches in all the provinces.
7. The candidates should not be allowed to stand from more than one constituency. The prevailing way of multiple constituencies should be discontinued.
8. Those having branches only in one or few provinces should only be allowed to  
take part in elections for the provinces in which they have branches.
18. Elections to the national and provincial assemblies should be held only on party basis and on the basis of joint-electorate.
19. Elections to the Senate should be held directly, while seats should be reserved for writers, journalists, scientists, technocrats, traders, industrialists, workers and *kissans*.
20. The 1973 Constitution should be restored to its original form because it has been disfigured beyond recognition by wrong amendments. Any useful amendments to the constitution could be made by a truly elected parliament.

**The following steps should be taken to ensure free, fair and transparent elections:**

52. In order to determine the credibility of the candidate the following criteria should be fixed:
  - (a) He is not convicted by a court of law for any criminal offence.
  - (b) He is not a tax-defaulter.
  - (c) He does not have a bad record of disservice to society.
  - (d) He has a bad reputation of being rude, abusive and oppressive.
  - (e) He is morally sound.
53. Political parties and their candidates should be debarred from printing slanderous material, or use abusive language, against other political parties or their candidates, or use racial, sectarian or religious slogans or accuse each other of being enemies of Pakistan and Islam. Candidature of those indulging in such activities should be cancelled.
54. All aspects relating to elections should be discussed in the print and electronic media and in seminars all over the country so that people evince keen interest in elections and the voters participate in elections in large numbers.
55. The voters should be given the right to recall their candidates in case they are not satisfied with their performance or they find them indulging in corruption, murder etc.
56. Election expenses should be reduced to the bare minimum in order to make elections an affordable exercise for the lower and middle classes. The limit on election expenses should be fixed at rupees 20,000/-.
57. Posters, billboards, neon signs, wall-chalking and advertisement in print and electronic media should be disallowed. Instead, it should be made the responsibility of the Election Commission to publish posters constituency-wise, giving the names of candidates, their election symbols and the names of their political parties, and displaying these outside the election offices and duly notified public places.
58. Only handbills and 4-8 page pamphlets should be allowed to be published by candidates for use during personal contacts with the voters in their constituencies.

59. The number of polling stations should be increased, and placed at easily accessible places so that the voters could walk down to them.
60. A total ban should be imposed on transporting voters to the polling stations on hired vehicles, and on offering food and soft drinks in polling camps, except plain water.
61. The number of polling stations should be increased, and placed at easily accessible places so that the voters could walk down to them.
62. The candidates and political parties should be provided with facilities to present their policies and programmes through the electronic media.
63. Persons polling fake votes should be arrested on the spot.
64. Candidates or their polling agents should not be arrested after the announcement of the election dates, except when they commit a capital offence, so as to enable them to perform their work unhindered.
65. The ballot boxes should be of transparent material. The ballot boxes should remain in the view of the polling agents and should not be removed to another room. The counting should be done immediately after the closing of polls and the results announced immediately thereafter. It should be made mandatory for polling officers of each polling station, and the polling agents present, to sign the result-sheets, and copies of it should be given to the polling agents of candidates.
66. A consolidated list of the polling results of each constituency should be prepared by the Returning Officer of each constituency and sent thereafter to the Provincial Election Commissioners for onward transmission to the Chief Election Commissioner for final declaration of election results.
67. Only those candidates should be declared elected who have secured more than 50 per cent of the polled votes. To determine this, the elections should be held in two phases. The first phase of elections should be reserved to determine the eligibility of political parties and their candidates for participation in the second phase of elections. Those political parties which are unable to obtain 10 per cent of the total

polled votes, and those candidates who do not attain the first two positions in the first phase should not be allowed to participate in the second final phase of elections. The holding of election in two phases is essential to establish true democratic character of the elections.

68. The Election Commission should publish a priced booklet on election rules and regulations for the guidance of election and polling agents.

## **PART 4: ELECTORAL REFORMS AS BASIS FOR A SOUND POLITICAL SYSTEM**

### **Present Situation**

At present 90 percent members of the assemblies are representatives of feudals and capitalists, who by establishing their social, economic, and political monopolies have laid the foundation of class-society in Pakistan. They have a strong hold over the political parties, and their representatives in these parties do not let them do any planning in favour of the people on democratic lines. These elements have also grasped state institutions. They acquire power and wealth through intrigues and machinations and do not allow the educated, capable and honest persons from amongst the lower and middle classes, who are in, absolute majority, to share power with them. They have kept the people poor, financially handicapped and uneducated with the help of the religious elite, so that they may remain ignorant about their rights, and do not stand up to secure these rights. During the last 56 years they have not used state power to solve the problems of the people.

The existent system of elections negates the severity of the people and their interests. This system prevents the establishment of a "people friendly welfare state" which raises standard of living of the poor. Democracy gives equal rights and status to all citizens and do not differentiate between them on the bases of color, race, religion and gender. Election is an instrument for changing the social economic and political systems so that, through it, the country's executives and judiciary may solve their problems in a proper manner and work jointly for the progress of the country.

We will have to highlight the national interests in the eyes of the people. For this purpose we will have to end national religious and sectarian prejudices and have to arrange a politics which is free from intolerance and despotism. If we love our country and are sincere with the nation, if we are desirous of our country's development and prosperity, if we want to have a good name amongst the family of nations and if we

want to build our society on the bases of love, peace and human fraternity, we shall have to formulate the electoral system on the right lines.

## **The Aims of Elections**

The aims of elections should be determined on the following lines:

16. Ending the existing class-society.
17. Loosening the hold of the vested interests over state power.
18. Enabling all the people to utilize the means of production to the best of their ability, and to participate effectively in the development of society.
19. Bringing down disparity in incomes to the minimum level.
20. Enabling the rule of law and justice to prevail.

## **Basic Election reforms**

The following basic electoral reforms should be made

43. The life of the national and provincial assemblies should be reduced to 3 years and that of the Senate to 4 years.
44. The elections to the national and provincial assemblies should be held at the same time.
45. All elections should be held in two stages. The first phase should be reserved for determining eligibility of political parties and candidates for participation in the second and final phase. Those political parties, which are unable to obtain 20% of the votes polled, and those candidates who do not obtain the first two positions, should be disallowed to participate in the final phase of elections. The candidate getting the largest number of votes should be declared elected. The holding of elections in two phases is essential to establish the true democratic character of elections.
46. The election to the senate should be held on the basis of direct elections.
47. The seats of national and provincial assemblies should be increased in the ratio of one seat for a population of 3 lacs.
48. Election expenses should be reduced. No candidate should be allowed to spend more than Rs.20, 000.
49. The election commission should be made fully independent and self-sustained financially. Appointment of the Chief Election Commissioner should be made by consensus of all political parties and through the parliament.
50. The Election Commission should publish posters containing the names of the candidates and their political parties and election signs. It should not be done by the political parties.
51. The Election Commission should also arrange a full fledged campaign of mass awareness regarding elections in the print and electronic media
52. The voter's list should be revised yearly. The names of the dead and fake-voters should be removed, and names of those not listed and those have reached the age of 18 years on 1<sup>st</sup> January should be added.

53. Only those political parties that have branches in all the provinces should be allowed to participate in the elections for the national assembly. Those parties having branches only in few provinces should only be allowed to take part in the elections of the provinces in which they have branches.
54. The independent candidates should not be allowed to participate in elections, because they damage the electoral process. They should instead be encouraged to join the political parties of their choice.
55. The electorate should be allowed to call back candidates of their constituencies who indulge in corruption and show bad performance.
56. Elections to the national and provincial assemblies and the local bodies should be held on party basis and joint electorate.

### **Essential steps for getting better results from elections.**

The following steps should be taken in this regard:

22. A three-month campaign should be made through out the country by the election commission and political parties so that the importance of elections is made evident and deep interest created in them so that they take part zealously in the elections and vote in large number.
23. The holding of elections every two years, and promotion of the concept of "collective leadership" should be made compulsory for political parties rather than hereditary or charismatic leadership. All political parties should be ordained to keep membership register and maintain regular accounts.
24. The political parties and their candidates should not be allowed to print and distribute slanderous material or use abusive language against other political parties or their candidates or to use racial, sectarian and religious slogans or accuse others for being enemies of Pakistan and Islam or issue decrease of infidelity against them. Candidature of such persons should be cancelled.
25. The number of polling stations should be increased and placed at central places to which most voters could walk down.
26. Party candidates should not be allowed to publish their photos on posters and billboards, to do wall chalking, give advertisements in print and electronic media and indulge in publicity through loudspeakers.
27. At the end of polling, the polling officer and polling agents representing various political parties should jointly sign the election result of that station, a copy of which should be given to the polling agents present, and should be pasted outside the polling station.
28. The Election Commission should publish a booklet on election rules for the guidance of polling agents, and give them to political parties and their candidates on payment.



## The Criteria for Candidates

The voters should poll their valuable vote only according to their conscience, and deliver their votes to the better person, to which ever political party he / she may belong, keeping in view the following criteria:

### **Vote only for such persons:**

19. Who is liked for his capability, service and good reputation, and is known as a good human being.
20. Who is educated, honest, of good character and truthful, and is service-minded.
21. Who is free from all kinds of prejudices, and treats all Pakistanis in a similar manner.
22. Who takes active part in social work and in solving the problems of the people.
23. Who is not involved in sectional and sectarian prejudices, and does not ask for votes in the name of *baradaris*.
24. Who is from the lower and middle classes.

### **Do not vote for such persons:**

25. Who have unlawful incomes, who spend luxurious lives, and who indulge in immoral crimes, have been convicted for a moral turpitude, have bad reputation, indulge in smuggling and black marketing and is are professional criminals.
26. Who have changed their political loyalties to gain power and wealth.
27. Who have not grabbed others' properties.
28. Who are not involved in violence, pillage, exploitation and anti-state activities.
29. Who are tax-evaders.
30. Who purchase votes, oppress, threaten and indulge in ill practices.
31. Who uses the name of Islam for attaining self-interests and for gaining power?
32. Who has sided with the present military dictatorship.

If you elect wrong people for the assemblies, you will suffer worse conditions than the present, and will loose all your rights. After that you will forfeit your right to complain about the bad state of affairs.

## **PART 5: CORRESPONDENCE OF SAFDAR HASAN SIDDIQI ON HOLDING FAIR ELECTIONS**

## FIRST LETTER

Your article published in Dawn contains some very pertinent points that need to be registered before I proceed further. They are:

“Hold elections – all-embracing and absolutely fair and free. Let the electoral resolve the crises along with other long-pending vital issues that are gnawing at the foundations of state and society.”

“Half the century has been lost and we have has long years of military rule/quasi-civilian rule and the undermining of the democratic process has been in progress.”

“What is important is not the continuity of a government but the quality of governance.”

The framer of the US Constitution James Wilson stated in 1787, “people may change the constitution whenever and however they please. This is a right which no positive institution can ever deprive them.”

“Elections is peaceful and nationally recognized and is the acid test of a nation’s coming of age and being able to deal with its problems.”

“The people’s collective wisdom ensures the return of such stalwarts and statesmen as could meet the need of the hour.”

“Roosevelt, Winston Churchill, Charles de Gaulle and Konrad Adenauer were all duly elected leaders who were called to play their historical role in the most testing of times, yet none of them usurped power on the grounds of “national security.”

“The 1973 Constitution is more centralized than the India Act 1935 or the 1956 Constitution. It gave 114 powers to the federation. This list must now be reduced to the barest minimum.”

“What is important is the motive behind constitutional amendments. Ironically, all 17 amendments to the 1973 Constitution were made either to legitimize military rule (both direct and indirect) or to strengthen the executive at the cost of parliament, the judicature and the people’s inherent civil and political rights. All over the democratic world, constitutional amendments are made to grant more political and civil rights to citizens.”

The above quotations highlight the importance of the Constitution and the elections. Both the documents need extensive and incisive amendments. To start with the electoral reforms, I have prepared some proposals for guaranteeing free and fair elections, which I am sending you,

as an attachment to this e-mail, for your perusal and appreciation. I would like to have your comments on these and would appreciate if you could improve on these. Please also give your postal address. My postal address is: 74/A-2 Abu Bakr Block, New Garden Town, Lahore. Mobile: 0302-4130307.

Yours truly,  
Safdar Hasan Siddiqi

### **SECOND LETTER**

Syed Afzal Haider  
Law Minister, Caretaker Government,  
Pakistan Secretariat, Islamabad.

Dear Sir,

As desired, I am sending herewith our proposals for holding free, fair and transparent elections. I hope you will find these proposals useful.

What matters most in this respect is the desire of those who hold power to enter into dialogue with the opposition parties, in the interest of the nation, and creation of a conducive atmosphere for fair elections.

I will be glad to serve you any further.

With regards and best wishes,

Yours truly,

Safdar Hasan Siddiqi  
Convener, Pakistan Jamhoori Tehreek

### **THIRD LETTER**

Qazi Muhammad Farooq,  
Chief Election Commissioner,  
Government of Pakistan,

Pakistan Secretariat, Islamabad.

Dear Sir, Sub: Improving the Electoral System

I am pleased to send herewith a printed treatise on "Improving the Electoral System". It has been prepared by collective deliberations of the members of the Pakistan Progress Forum, which has been formed to prepare well researched papers on the important issues faced by the nation. The above treatise is the first of the series.

This treatise contains a detailed analysis of the drawbacks of the existing electoral system, and gives positive and workable suggestions for the improvement of the electoral rules. It also lays down concrete and viable proposals for the holding of free, fair and transparent elections.

Your Election Commission is requested to study this paper in depth, and analyze the various proposals given by us. We will appreciate if you were to give us point-by-point comments on the main proposals of our organization.

Kindly acknowledge receipt of this communication, which is in dire national interest.

With regards,  
Yours truly,  
Safdar Hasan Siddiqi  
Convener, Pakistan Progressive Forum

#### **FOURTH LETTER**

Dear Mr. Naeem Sadiq,

I have read your article in "The News" titled "Voter Education for Political Change" I agree with the following of your observations:

- 5) Soon we will be the victims of the same perennial candidates, same slogans, same promises and same disappointments. (if we do not exert to change the present electoral system).
- 6) The process of elections can be accelerated if the voters are more informed and have basic facts and characteristics of a contestant, so as to be able to make a considered voting decision.

- 7) 3) It is time to educate the voters to consider attitudes, competence, character, personal examples and the performance of the political leaders as the basic decision making parameters.
- 8) 4) Every politician contesting national or provincial assembly election must fill a specific form about his assets, capabilities and performance in the public field. (A better form could be made).

I would add some more requirements for ensuring free, fair and transparent elections, which I am e-mailing herewith  
Your well-considered comments on this draft are expected at an early date.

I propose that such persons who have sound ideas about holding purposeful elections should coordinate with one another for producing a consensus document. Such an effort, in my view, could only be successful if we do not stick to keeping intact the status quo. Instead we should pursue a long-term objective to change the current system itself and try to replace it with a just socio-economic system.

With regards,  
Safdar Hasan Siddiqi  
Convener, Pakistan Jamhoori Tehreek

## IMPROVING THE ELECTORAL SYSTEM

### **Pakistan Progressive Forum**

As a matter of fact, unless the Chief Election Commissioner of Pakistan is not made fully independent and is judicially empowered (as in India) there is no possibility of the elections being free, fair, and transparent, reflecting truly the will of the people – the ultimate sovereigns of their country. Every four or five years of the nation will thus be wasted

in elections and the prevailing spurious system of governance will not be changed for the better.

We have given herewith in full detail, the proposals that can guarantee the holding of fair elections. Without bringing into effect these proposals, any elections will be fruitless and a sheer loss of nation's time, money and efforts.

It is desired that all leaders of public opinion, as well as the people at large, study these and pressurize the government to improve the Election Commission's set-up and the election rules accordingly before the next general elections are held.)

## **Premise**

The Electoral System is central to the democratic process, and its contemporary form and manifestations are shaped by the evolution experienced by the democratic societies during the 20<sup>th</sup> century. When we talk of democracy, holding of elections at the central, provincial, district, tehsil and local levels is an essential process for determining effectiveness or otherwise of the democratic process. For a democratic set-up to be effective and fruitful, therefore, requires a guaranteed process of fair, free and transparent elections that reflects truly the will of the people at the various levels of society.

Having determined the importance of holding elections, we now turn towards the philosophy behind elections and the concept of democracy for any society. The basic logic upon which all articulations of the principle of democracy rests is that the Creator of the universe, whom we remember by various names has, in order to unfurl His scheme of life in the universe, created along with the universe its principal actor – the human being. Man has been endowed by the nature with all the requisite capabilities and resources that are required by him for creating and establishing a humane, cooperative, peaceful, progressive, creative, prosperous and fraternal society. The primary attributes of man in this respect such as sovereignty, ownership of the means of production and the authority to govern, have also been securely determined in this scheme.

The divine rule set for the serious game of life that thus emerges is that the only way to ascertain the will of God today is through true representatives of the people by enabling them to reach the decision-making and policy-making systems and assemblies through a fair and unfettered election process. To set up any other system of governance

through intrigue and deceit, and by manipulating elections, amounts to revolting and arraying against God and the interests of the people. Adopting this kind of a negative mindset leads one to submit to personal and political interests, and resort to the artifice of claiming God's support in one's wrong doings, as is being done by the religious elite, the depraved politicians and the military dictators.

### **Raison d'être of Elections**

Before proceeding further it would be proper if we also go to provide a few arguments that would help in contributing towards awareness of the people, who are the true sovereigns and arbiters of Pakistan's destiny.

In order to make people knowledgeable and politically aware, to raise sound leadership from amongst them with the help of honest and upright intellectuals and to form a system of good governance on truly democratic lines is, of course, a difficult task. For this, a long distance will have to be traversed and some people will have to dedicate their lives for this tremendous work. But positive results will certainly accrue if this is done. As stipulated, elections are the foundation of democracy and the propellers of social activity, and are necessary for building a vibrant society worth living in.

In order to get the best results from the election process, a string of strong arguments must be constructed and articulated. A few are given hereunder: -

1. It will be fruitless to take part in elections without changing the existing electoral system. Unless it is changed fundamentally, the exploitative class-system will continue to exist. Setting up of an independent Election Commission is a pre-requisite for fair elections.
2. Feudalists and capitalists have created the class system. Elections are an instrument of change of not only the government but also the economic, social and political systems so that the state administration, police, judiciary and other state institutions are enabled to solve people's problems in the right way, and work for the progress of the country.
3. The present electoral system negates sovereignty of the people and their interests. It is the biggest hurdle in the way of establishing a people-friendly welfare state. It is, therefore, wrong and deceitful to claim democracy without changing this system itself.
4. The feudalists and the capitalists have created the class-system. They belong to the upper classes and have a strong hold over state institutions. Their relationship with the ordinary people is that of rulers and the ruled.

They grab power through intrigues and machinations during elections, and prevent the educated, capable and upright persons of the lower and middle classes from entering the assemblies and sharing power with them.

5. The jagirdars and big landlords, the dirty amongst the rich and the religious elite have kept the masses poor, weak and uneducated, deliberately and by design, so that they do not understand their rights and also do not generate in themselves the courage to demand their rights.

6. The vested interests procure votes during elections by threatening and overawing the voters, by tempting them with money and other favours and by involving them in racial, sectarian and religious prejudices and disputes. They have consolidated their hold on political parties and do not allow them to develop their polity on democratic lines.

7. Such vested interests have been using the party workers only to further their personal interests. Elections for party offices are not held, and accounts of party funds are not maintained regularly. Those alone are made office-bearers who serve their interests, and party funds are spent on personal projection.

8. During the last years most of the politicians have worked simply as agents of the establishment. They have not used state power to solve problems of the people but have instead used it to amass wealth. They have kept the people deprived of their inherent right to utilize the means of production, which they have kept in their own possession.

9. Democracy is based on the concept that all persons living in a country are owners of the land and other means of production of the country, and that governance is their basic right, which they exercise by sending their elected representatives to the assemblies. Democracy grants equal rights and social status to all citizens and does not discriminate between them on the

basis of colour, race, religion and gender. It is sheer negation of democracy to create a class-society by establishing economic, social and political monopolies and vested interests.

10. The importance of national interest will have to be made manifest in the public eye by doing away with racial, class, religious and sectarian prejudices, and developing clean politics free from self-interest, intolerance and authoritarianism.

11. It is incumbent upon us to re-frame our electoral system on the right lines if we love our country and are well-wishers of the nation, if we desire prosperity of the country, if we want to safeguard our children's future and



if we seek to build our society on the foundation of love, peace and fraternity.

### **Objectives of Elections**

The election process is an articulation of people's will, an act of choosing representatives, a mandate for political order and making governments of their choice as a means of making policies and selecting agendas for governance.

Having laid down the premises and *raison de e'ter* of elections, we now proceed to put forward clearly the objectives of election exercises. The first objective is that those who enter the assemblies should be true representatives of the people belonging mostly to the lower and middle classes, as these two classes represent a huge majority in the country, and that they should be educated, honest, capable, fully committed, and oriented towards collective gains. Only a serious and continuous democratic process, and the holding of political awareness programmes, will ensure such welcome characteristics to emerge. In other words, it should be ensured that the representatives have been selected voluntarily by the people with their free will and without fear or greed or other systematic problems, that they have good understanding of people's problems, and that they have the will to change the existing rotten system of governance, and initiate socio-economic development process in order to bring into being a clean, creative, peaceful, progressive and democratic society. Political activists will have to undergo intensive training in this respect.

The second objective is that the polling of ballot papers should be kept totally free from the influences of money and other pressures, and that the candidates having good reputation, and engaged in useful social activities are not prevented from taking part in elections just because they do not have enough financial resources. A desire for cooperation with such candidates will have to be engendered among the electorate. In this connection the caste and *baradari* considerations will have to be abandoned.

The administration should also be rendered completely impartial in the electoral process. Manifest institutional arrangements in all branches of administration will also have to be made. Utter disregard of these two objectives in the elections, held ever since Pakistan came into being, and

the undemocratic manner in which state policies and the state administration had been carried out during the past, have resulted in the sad state of affairs that we are confronted with today. This has happened because our focus has always been on individuals to deliver, and nothing has been thought, written and moved forward to let institutions be developed and sustained to determine the collective will. We have ignored those who corrupted and destroyed the institutions to an extent that all arrangements do not function as they should.

### **Targets of Elections**

Before we propose certain improvements in the electoral system and its rules, it would be proper, first of all, to fix the goals of elections. Those who are desirous of working for national development will have to acquaint themselves with the economic, political, social and cultural issues faced by the nation, and harness the knowledge thus gained to solve the problems of the masses. They should also train the people in rendering service to others and generating open-minded leadership. In order to be successful in this pursuit, we will have to ensure the effectiveness, transparency, fairness and legitimacy of the election process, and then go on to make arrangements for creating awareness among the voters regarding the importance and meaning of elections for setting up good and effective governance system. The targets to be achieved should contain the following:

1. Ending the existing class-oriented society, and giving to the people the right of equal opportunity to utilize the means of production according to their capabilities, efforts, potentials and entitlements. The conditions to be created to facilitate the process for achieving this objective will have to be clearly laid down.

2. Loosening the hold of the vested interests over state power. This can only be done if we put our credibility on line and dare to suggest measures that will automatically direct us as a nation towards that cherished goal.

3. Devolving maximum power from the center to the provinces and local bodies. We need to make sure that local bodies do not become tools in the hands of fortune-seeking civil and military establishments. We should be serious to make the local body system work at the grassroots level and not become a tool in the hands of a central dictatorial authority. If the local

body system can be improved, most of the common person's problems can be sorted out and solved.

### **Steps for Ensuring Free and Transparent Elections**

In order to make free and transparent elections certain, to remove pressures of the vested interests on voters and to enable them to use their votes in accordance with their conscience and in the best interest of the nation, the following steps need to be taken:

1. Elections should be held by a Caretaker Government, which should not include sitting ministers or their close relatives. The sitting government should resign three months before the date of elections.

2. Election Commission should be declared fully autonomous and should only be accountable to the Parliament. Its financial autonomy should also be ensured and guaranteed. The Chief Election Commissioner should be made permanent and also be given full administrative and judicial powers, as in India.

3. Setting up of an Independent Judiciary to ensure independence of the Election Commission. The judiciary should always stand by the election commission in the event of any differences between the Commission and the Government in power.

4. Taking political parties into confidence by the Election Commission for making election rules by seeking their proposals. Proposals may also be sought from the public. A proper record of these proposals should be kept.

5. Thoroughly discussing all aspects of election reforms in the print and electronic media, forums, and seminars all over the country, so that the people evince keen interest in elections before they are held, and the voters participate in the elections with zeal and fervour.

6. Courts should be authorized to make independent decisions without any pressure or fear of intimidation in order to uphold the fairness of the election process.

7. Voters should be authorized to call back their elected representatives, if they lose confidence and faith of the voters of their constituencies. The process of calling back should be formally defined in the Constitution and election rules.

8. Fixing Intermediate and Graduation as minimum educational qualification for candidates for the provincial and national assemblies

respectively. But this could be a time-based measure that should not be adopted permanently.

12. Reducing the period of membership of provincial and national assemblies

from 5 years to 3 years and that of senate members from 5 years to 4 years. These periods should remain till such time as people do not get politically educated sufficiently, and a good leadership does not become available to them. Training the voters, and continuous happening of transparent and impartial elections, will alone bring back the interest of voters in the electoral process.

10. Holding elections to the national and provincial assemblies on the same date.

14. Arranging direct elections to the senate while reserving seats for writers, journalists,

educationists, men of learning and scientists, technocrats and men of learning, traders and industrialists, representatives of trade unions and *kissan* organizations. Seats should not be reserved separately for 'ulema', as Islam has not granted them any special institutional status as religious leaders. They are free to contest elections as 'men of learning', or from general seats on party tickets or as independents.

12. Empowering Senate to take all decisions of national importance, and creating parity among provinces for making vital decisions, policies and laws of the country. The senate should be empowered to review the budget before it is passed by the National Assembly.

13. Disallowing indirect elections in Local Bodies elections. Elections by show of hands should also be prohibited.

17. Restoring the 1973 Constitution in its original form. Any future amendments to this Constitution should be made by the new truly democratically elected parliament.

15. Giving the right to voters to recall their candidates during their term of office on charges of corruption and inefficiency.

16. Reserving seats for women and religious minorities.

17. Merging the tribal areas and Northern Areas or joining them with other adjoining

Provinces. Candidates from these areas should be given the right to vote. They should be elected rather than nominated by the *sardars*.

18. Giving in trusteeship by the state luminaries - the president, the prime minister and the chief ministers – of all their assets.

19. Setting up a permanent and fully empowered Accountability Commission, which will receive public complaints and take decisions thereon. It should also be authorized to take *suomoto* action against corrupt and incompetent persons. It should be ensured that such commission would not be a simple tool in the hands of the vested interest by making it administratively and financially independent. Selection of its chairperson should be done by the political parties in power as well as those in the opposition, and confirmation be made through the National Assembly.

21. Administrative Accountability Courts should also be established for administrative accountability of bureaucracy for corruption and dereliction of duty.

22. The voters' list should be computerized and cleared of all bogus voters, and their copies should be supplied to the registered political parties. All those voters whose names are printed in the voter's list should be allowed to vote. Identification of voters by means other than identity cards should also be allowed. The system of challenging votes may be re-introduced

23. Elaborate arrangement should be made for revising the voters' list before the holding of elections. Votes of about 2 crore adults in private jails of jagirdars, should be enlisted. Votes of those living in the villages under the tutelage of *sardars* and big landlords, especially the women, who are not allowed by them to enlist as voters, should also be enlisted.

24. It should be mandatory for all elected governments to present all policies (economic, foreign, defense, education, finance commission etc.) to the Parliament and not make them through extra-parliamentary means. The process of issuing Ordinances should be discouraged, and such discretionary powers of the president should be curtailed.

25. Making it essential for political parties wanting to participate in elections for National Assembly to establish branches in all provinces. Those political parties which do not have branches in all the provinces, or have these in one or few provinces, should only be allowed to participate in the provincial elections of those provinces in which they have their branches. To promote unity in the country, only those parties should be

allowed participation in elections for the national assembly that get minimum vote, say 5 percent from each province.

26. Making it mandatory for political parties to have internal democracy and collective-leadership in the party. Elections of all office-bearers should be made mandatory for political parties.

27. Government should give adequate funds to registered political parties, commensurate with the percentage of votes secured by them, for their office expenses.

28. Disallowing political parties and their candidates to print and distribute slanderous material or use abusive language against other political parties or their candidates or to use racial, sectarian or religious slogans, or accuse the other political party or candidate for being enemies of Pakistan or Islam, or issue decrees of infidelity against them. Candidature of those indulging in such activities should be cancelled. There is no difference of opinion about Islam being the ideology of Pakistan. Therefore, the word "Islam" should not be used as a political slogan in elections. Any slogans should be issue-oriented.

29. Political parties should make the following documents available to the Election Commission:

- (m) Party constitution and manifesto
- (n) List of members (province wise)
- (o) List of central and provincial office-bearers
- (p) Certification of the dates when the last party elections at the provincial and central levels were held.

30. Making it mandatory for political parties to provide the following documents and information about their candidates while submitting their nomination papers: -

- s. Name, age, address and telephone number
- t. Educational status
- u. Annual income and value of personal assets
- v. Amount of taxes paid, and value of unpaid taxes
- w. Affidavits by the candidates to the effect that they have not been convicted under any criminal law and that no criminal cases are pending against them.
- x. Holding elections at the national and provincial levels on party basis and on the basis of joint-electorate.

31. Arranging a 3-month long political awareness campaign for the people and voters through the Election Commission, for preparing them for effective participation in the elections.

32. Broadcasting dramas, specifically on elections on television and radio.

33. Limitation of constituencies should be done by keeping in view the convenience of voters and not according to the interests of certain candidates. It should be done with due consent of parties in opposition.

34. Final announcement of the constituencies should be done at least three months before the election date, and that of polling stations two months before elections.

35. The police and the administration should also be rendered completely impartial in the electoral process. Manifest institutional arrangements in all branches of administration will also have to be made.

### **Reducing Election Expenses and Improving Electoral Conduct Rules**

Specific steps should be taken to improve the electoral rules. The government should take positive and solid steps to lower election expenses so that persons with average income and resources could serve the nation through the assemblies in a better way. It should also be ensured that all segments of the society get their due share in the power structure and thus get rid of the prevailing sense of indifference, by participating in the assembly proceedings fully and with fervour. The improvements suggested are:

31. Reducing the election expenses to the bare minimum in order to make elections an affordable exercise for the lower and middle classes, who have limited financial resources. The limit to election expenses should be fixed at Rs.20, 000/-.

32. Common places should be fixed within each constituency for holding election meetings / processions, in order to avoid any disturbances to public activity and to reduce cost on these activities.

33. Strict observance of Election Code of Conduct should be made, and the violators should be disqualified from taking part in elections.

34. Banning posters, billboards, neon-signs, banners, wall chalking and advertisements in print and electronic media. The Election Commission should instead publish posters constituency-wise giving names of candidates, names of their political parties and their election symbols. These should be pasted outside the

election offices and displayed at notified public places, previously advertised.

35. Disallowing loudspeakers for electioneering campaign on vehicles. Loudspeakers should be restricted only to public meetings by political parties.
36. Allowing only handbills and 4-8 page pamphlets for introducing candidates to voters in their constituencies through door-to-door contacts.
37. Putting a total ban on transporting voters on hired vehicles on the polling day, and on offering food and soft drinks in polling camps.
38. Increasing the number of polling stations and placing these at central places, so as to enable voters to walk down to these stations with ease for tendering their votes.
39. Providing every candidate with one free copy of the electoral list of his / her constituency.
40. Providing the facility to political leaders of presenting their policies and programs through the electronic media, while giving them enough time therein.

### **Holding Elections in Two Phases**

Elections should be held in two phases. The first phase should be reserved for the determining eligibility of political parties and candidates for participation in the second and final phase. Those political parties, which are unable to obtain 10% of the votes polled, should not be allowed to participate in the final phase of elections. The parties should contest the first phase by issuing list of their candidates and declaring their manifestos. The candidates who do not obtain the first two positions in the first phase of elections should be disqualified to participate in the final phase of elections. Thus the candidate securing more than 50 per cent votes will be declared elected. The holding of elections in two phases is, therefore, essential to establish the true democratic character of elections.

### **Proportional Representation**

The system of proportional representation should not be adopted until such time as the political parties get well organized on truly democratic lines and the candidates become politically aware, educated,



trained in political and social work and are keenly interested in taking part in elections. The number of mushroom political parties is also very large. The system of proportional representation could be progressively introduced in the light of the experience gained after holding a few elections on the basis of direct elections, and after the political parties become strong and small in number.

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### **STRATEGY REGARDING ELECTIONS**

4. To ask the voters to make it certain to tender their votes.
5. To approach the voters with the request to vote for the deserving candidates only
6. The criteria adopted for determining the eligibility of voters are:
  - (a) He/she should have a good reputation in the constituency, and is actively engaged in social work.
  - (b) He/she is not convicted for criminal offence by the court.
  - (c) He/she is not a tax defaulter.
  - (d) He/she has not sided with a dictator in the previous government.
  - (e) He/she is good-natured and not self-centered and oppressive.
  - (f) He/she does not belong to a family having vested interests.
4. The political party desirous of securing the support of the voters should:
  - (a) Have a manifesto and a work plan for its activities.
  - (b) Have a large membership, and has branches in most of the districts.
  - (c) Have a clear-cut programme for the education and health sectors, and can be depended upon for alleviation of poverty and unemployment, and provision of housing, and has the suitable infrastructure for carrying out this programme.
  - (d) Its candidates possess high qualifications and the skill to carry out the responsible job of running the government successfully.

- (e) Have internal democracy in the party, the members are treated equally and the leadership consults them often.
5. Printed material in the form of a handbill should be printed and distributed widely, which contains an appeal to the electorate not to waste their valuable votes on unwanted candidates, and to resist any pressure.
  6. A sufficient team of volunteers should be created to participate in the election process as polling agents. Not a single polling booth should remain without one or two polling agents, so that any attempt at tampering with the elections is immediately averted.
  7. Any attempt to poll bogus vote, or any wrong action of the polling officer, should be brought to the notice of the local and foreign observers.
  8. The top leaders of the political parties should address public gatherings in the main cities and large villages.

## **STRATEGY REGARDING ELECTIONS**

7. To ask the voters to make it certain to tender their votes.
8. To approach the voters with the request to vote for the deserving candidates only
9. The criteria adopted for determining the eligibility of voters are:
  - (a) He/she should have a good reputation in the constituency, and is actively engaged in social work.
  - (b) He/she is not convicted for criminal offence by the court.
  - (c) He/she is not a tax defaulter.
  - (d) He/she has not sided with a dictator in the previous government.
  - (e) He/she is good-natured and not self-centered and oppressive.
  - (f) He/she does not belong to a family having vested interests.
4. The political party desirous of securing the support of the voters should:
  - (a) Have a manifesto and a work plan for its activities.
  - (b) Have a large membership, and has branches in most of the districts.

(c) Have a clear-cut programme for the education and health sectors, and can be depended upon for alleviation of poverty and unemployment, and provision of housing, and has the suitable infrastructure for carrying out this programme.

(d) Its candidates possess high qualifications and the skill to carry out the responsible job of running the government successfully.

(e) Have internal democracy in the party, the members are treated equally and the leadership consults them often.

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7. Any attempt to poll bogus vote, or any wrong action of the polling officer, should be brought to the notice of the local and foreign observers.

8. The top leaders of the political parties should address public gatherings in the main cities and large villages.

## **IMPORTANCE OF FAIR ELECTIONS**

### **HOW TO ACHIEVE TRANSPARENT ELECTIONS?**

**Safdar Hasan Siddiqi**

The objective of elections, among other things, should be to loosen the hold of the vested interests over state power, ending the existing class-oriented society and the hold of a few over the means of production and devolving maximum power from the center to the provinces and local bodies.

It is imperative that a plane level field is provided to all political parties, and no restrictions, whatsoever, are laid on leaders of any political party for participation in elections, if democracy is to play an effective role in the in the social, political and economic spheres of the country. Unless fair elections are ensured in every way in Pakistan, there is no chance for democracy to establish itself and flourish.

It is essential to ensure free elections through 3-month-long large-scale dissemination among the people at the lower and middle strata of society of the requisites for fair elections, by the Election Commission and the political parties, in order to prepare them for their effective participation in elections.

These requisites are:

- 101) Making elections very much less expensive by (a) banning the use of banners, bill-boards, neon-signs, print and TV adds and wall-chalking, and by substantially reducing the election fee so as to enable candidates from the lower income groups to be elected for assemblies and all segments of society could get due share in the power structure.
- 102) Reducing election expenses to Rs. 20,000.
- 103) Allocating common places in each constituency for holding election meetings.
- 104) Making obligatory strict observation of Code of Conduct for elections, and disqualifying violators from taking part in elections.
- 105) Publishing by the Election Commission of constituency-wise posters giving names of candidates and their political parties along with their election symbols, and displaying them at notified public places and outside the election offices and polling stations.
- 106) Banning the use of loudspeakers for election campaigning on vehicles, restricting their use to public meetings.
- 107) Allowing only handbills and 4-page pamphlets for introducing candidates in their constituencies in door-to-door campaigns.
- 108) Disallowing transportation of voters in hired vehicles on the polling day, and serving food and soft drinks in polling camps.
- 109) Increasing number of polling stations and placing them at central places for voters' convenience. One polling station for not more than five thousand voters be set up. The seats in the provincial and central assemblies should be increased accordingly

- 110) Provision of facilities to political parties for placing their policies and programmes before the electorate through television and radio.
- 111) Authorization of voters of all constituencies to call back any elected candidate who loses confidence of the electors after one year's performance.
- 112) Disallowing political parties and their candidates from printing and distributing slanderous material, and use abusive language against other political parties and candidates.
- 113) Disallowing use of religious slogans during election campaigns. Allowing expression of views with reference to public issues only.
- 114) Broadcasting unbiased election related dramas on radio and television by the Election Commission.
- 115) Computerizing the Voters' list and clearing it of all bogus voters, and supplying copies to all registered political parties.
- 116) Allowing all voters entered in the voters' list to vote, and allowing identification of voters by means of other than identity cards such as passports, driving license, tax registration numbers.
- 117) Revising the electoral list every year, and adding 2 crore voters in private jails of jagirdars and those living in the villages under the tutelage sardars and big landlords, especially the women who are not allowed by them to get themselves enlisted as voters.
- 118) Making obligatory the election of all office-bearers of political parties.
- 119) Giving funds by the state to registered political parties according to the percent of votes secured by political parties in the last elections.
- 120) Holding elections by a caretaker government that would not include members of the sitting government or their close relatives, and formed by consensus of the contesting parties.
- 121) Re-constituting the Election Commission and making it fully independent in administrative, legal and financial powers, not appointed by the incumbent government but with the consent of the opposition.
- 122) Making the judiciary fully independent of the PCO, making the members of the judiciary take a fresh oath on the original 1973 Constitution.
- 123) Holding elections in two phases for enabling candidates securing more than 50 per cent of polled votes to be declared

elected. Allowing only the first two candidates securing the highest number of votes to take part in the second round.

124) Fixing the period for national and provincial assemblies at 4 years and that of the Senate at 6 years

125) Holding election to the Senate on the basis of direct elections.

Unless the above requisites are secured the possibility of holding fair elections is bleak.

Considered comments on the above proposals by you is solicited within one week. It will assist us in starting a campaign for holding transparent elections, which is a sine qua non for good governance. It will be appreciated if you will amend these proposals or add some more.

Free, fair and transparent voting is the basis for truly democratic elections, which alone can bring about a healthy change in the prevailing anti-people social, economic and political system.

New leadership from the educated working class of the lower and middle sections of society is essential for a truly democratic order.

Political parties should play a positive and effective role by shunning the politics of

falsehood, hate, intrigue and confrontation, and adopting in all sincerity the politics of dialogue, cooperation, and coordination.

A permanent and independent Chiefs Election Commissioner with full judicial powers, appointed by Parliament, is a must.

#### IMPORTANCE OF FAIR ELECTIONS

#### HOW TO ACHIEVE TRANSPARENT ELECTIONS?

Safdar Hasan Siddiqi

The objective of elections, among other things, should be to loosen the hold of the vested interests over state power, ending the existing class-oriented society and the hold of a few over the means of production and devolving maximum power from the center to the provinces and local bodies.

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These requisites are:

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- 127) Reducing election expenses to Rs. 20,000.
- 128) Allocating common places in each constituency for holding election meetings.
- 129) Making obligatory strict observation of Code of Conduct for elections, and disqualifying violators from taking part in elections.
- 130) Publishing by the Election Commission of constituency-wise posters giving names of candidates and their political parties along with their election symbols, and displaying them at notified public places and outside the election offices and polling stations.
- 131) Banning the use of loudspeakers for election campaigning on vehicles, restricting their use to public meetings.
- 132) Allowing only handbills and 4-page pamphlets for introducing candidates in their constituencies in door-to-door campaigns.
- 133) Disallowing transportation of voters in hired vehicles on the polling day, and serving food and soft drinks in polling camps.
- 134) Increasing number of polling stations and placing them at central places for voters' convenience. One polling station for not more than five thousand voters be set up. The seats in the provincial and central assemblies should be increased accordingly
- 135) Provision of facilities to political parties for placing their policies and programmes before the electorate through television and radio.
- 136) Authorization of voters of all constituencies to call back any elected candidate who loses confidence of the electors after one year's performance.
- 137) Disallowing political parties and their candidates from printing and distributing slanderous material, and use abusive language against other political parties and candidates.
- 138) Disallowing use of religious slogans during election campaigns. Allowing expression of views with reference to public issues only.



- 139) Broadcasting unbiased election related dramas on radio and television by the Election Commission.
- 140) Computerizing the Voters' list and clearing it of all bogus voters, and supplying copies to all registered political parties.
- 141) Allowing all voters entered in the voters' list to vote, and allowing identification of voters by means of other than identity cards such as passports, driving license, tax registration numbers.
- 142) Revising the electoral list every year, and adding 2 crore voters in private jails of jagirdars and those living in the villages under the tutelage sardars and big landlords, especially the women who are not allowed by them to get themselves enlisted as voters.
- 143) Making obligatory the election of all office-bearers of political parties.
- 144) Giving funds by the state to registered political parties according to the percent of votes secured by political parties in the last elections.
- 145) Holding elections by a caretaker government that would not include members of the sitting government or their close relatives, and formed by consensus of the contesting parties.
- 146) Re-constituting the Election Commission and making it fully independent in administrative, legal and financial powers, not appointed by the incumbent government but with the consent of the opposition.
- 147) Making the judiciary fully independent of the PCO, making the members of the judiciary take a fresh oath on the original 1973 Constitution.
- 148) Holding elections in two phases for enabling candidates securing more than 50 per cent of polled votes to be declared elected. Allowing only the first two candidates securing the highest number of votes to take part in the second round.
- 149) Fixing the period for national and provincial assemblies at 4 years and that of the Senate at 6 years
- 150) Holding election to the Senate on the basis of direct elections.

Unless the above requisites are secured the possibility of holding fair elections is bleak.

Considered comments on the above proposals by you is solicited within one week. It will assist us in starting a campaign for holding

transparent elections, which is a sine qua non for good governance. It will be appreciated if you will amend these proposals or add some more.

## **ROPOSALS FOR HOLDING FAIR, FREE AND TRANSPARENT ELECTIONS**

**Prior to the holding of elections, the following steps should be taken:**

1. The elections scheduled for January 8 should be postponed for two months and, in the meantime, a Caretaker Government and a fully independent, legally empowered and financially secured Election Commission should be formed by mutual consent of the government and opposition parties.

2. An atmosphere of goodwill and credence should be created between the ruling and opposition parties, in the interest of the country, for initiating dialogue between them in this regard because a democratic set-up, to be effective and fruitful, requires a guaranteed process of fair, free and transparent elections that may truly reflect the will of the people.

3. The emergency imposed on November 3 should be lifted and the PCO withdrawn. The Judges of the supreme and high courts should be immediately restored.

**The following targets should be fixed for good governance:**

25. Ending the existing class society and the status quo.

26. Loosening the hold of the vested interests over state power.
27. Enabling all the people to utilize the means of production to their benefit to the best of their ability, and to participate equally in the affairs of the state for developing the society.
28. Bringing down the disparity in incomes to the minimum level.
29. Removing poverty, allaying unemployment, arranging good education and health for the people.
30. 6. Enabling the rule of law and justice to prevail.

**The following steps should be taken, on a long-term basis, for good governance:**

25. Life of national and provincial assemblies should be reduced from 5 years to 4 years and that of the Senate from 6 to 5 years.
26. The number of seats of the national and provincial assemblies should be fixed at 1 seat for 3 lacs population.
27. Maximum powers should be devolved to the provinces from the federation.
28. A permanent and fully empowered Accountability Commission should be set up to receive public complaints and take decisions thereon, authorizing it to take *suomoto* action against corruption.
29. It should be made mandatory for political parties to have internal democracy and collective leadership rather than patrimonial leadership. They should also maintain membership registers and keep proper accounts. Their candidates for election should also be made to submit documents regarding their educational status, annual income, personal assets and the amounts paid as taxes and the value of unpaid taxes. Submission of affidavits to the effect that they have not been convicted under any criminal law should also be made mandatory
30. It should be made essential for political parties desiring participation in elections for the national assembly to have branches in all the provinces.
7. The candidates should not be allowed to stand from more than one constituency. The prevailing way of multiple constituencies should be discontinued.
8. Those having branches only in one or few provinces should only be allowed to  
take part in elections for the provinces in which they have branches.

21. Elections to the national and provincial assemblies should be held only on party basis and on the basis of joint-electorate.
22. Elections to the Senate should be held directly, while seats should be reserved for writers, journalists, scientists, technocrats, traders, industrialists, workers and *kissans*.
23. The 1973 Constitution should be restored to its original form because it has been disfigured beyond recognition by wrong amendments. Any useful amendments to the constitution could be made by a truly elected parliament.

**The following steps should be taken to ensure free, fair and transparent elections:**

69. In order to determine the credibility of the candidate the following criteria should be fixed:
  - (a) He is not convicted by a court of law for any criminal offence.
  - (b) He is not a tax-defaulter.
  - (c) He does not have a bad record of disservice to society.
  - (d) He has a bad reputation of being rude, abusive and oppressive.
  - (e) He is morally sound.
70. Political parties and their candidates should be debarred from printing slanderous material, or use abusive language, against other political parties or their candidates, or use racial, sectarian or religious slogans or accuse each other of being enemies of Pakistan and Islam. Candidature of those indulging in such activities should be cancelled.
71. All aspects relating to elections should be discussed in the print and electronic media and in seminars all over the country so that people evince keen interest in elections and the voters participate in elections in large numbers.
72. The voters should be given the right to recall their candidates in case they are not satisfied with their performance or they find them indulging in corruption, murder etc.
73. Election expenses should be reduced to the bare minimum in order to make elections an affordable exercise for the lower and middle classes. The limit on election expenses should be fixed at rupees 20,000/-.

74. Posters, billboards, neon signs, wall-chalking and advertisement in print and electronic media should be disallowed. Instead, it should be made the responsibility of the Election Commission to publish posters constituency-wise, giving the names of candidates, their election symbols and the names of their political parties, and displaying these outside the election offices and duly notified public places.
75. Only handbills and 4-8 page pamphlets should be allowed to be published by candidates for use during personal contacts with the voters in their constituencies.
76. The number of polling stations should be increased, and placed at easily accessible places so that the voters could walk down to them.
77. A total ban should be imposed on transporting voters to the polling stations on hired vehicles, and on offering food and soft drinks in polling camps, except plain water.
78. The number of polling stations should be increased, and placed at easily accessible places so that the voters could walk down to them.
79. The candidates and political parties should be provided with facilities to present their policies and programmes through the electronic media.
80. Persons polling fake votes should be arrested on the spot.
81. Candidates or their polling agents should not be arrested after the announcement of the election dates, except when they commit a capital offence, so as to enable them to perform their work unhindered.
82. The ballot boxes should be of transparent material. The ballot boxes should remain in the view of the polling agents and should not be removed to another room. The counting should be done immediately after the closing of polls and the results announced immediately thereafter. It should be made mandatory for polling officers of each polling station, and the polling agents present, to sign the result-sheets, and copies of it should be given to the polling agents of candidates.
83. A consolidated list of the polling results of each constituency should be prepared by the Returning Officer of each constituency and sent thereafter to the Provincial

Election Commissioners for onward transmission to the Chief Election Commissioner for final declaration of election results.

84. Only those candidates should be declared elected who have secured more than 50 per cent of the polled votes. To determine this, the elections should be held in two phases. The first phase of elections should be reserved to determine the eligibility of political parties and their candidates for participation in the second phase of elections. Those political parties which are unable to obtain 10 per cent of the total polled votes, and those candidates who do not attain the first two positions in the first phase should not be allowed to participate in the second final phase of elections. The holding of election in two phases is essential to establish true democratic character of the elections.
85. The Election Commission should publish a priced booklet on election rules and regulations for the guidance of election and polling agents.

Safdar Hasan Siddiqi'  
Convener, Pakistan Jamhoori Tehreek  
December 5, 2007.  
Mobile: 0321-4348340

## **SALIENT FEATURES OF ELECTORAL REFORMS**

Safdar Hasan Siddiqi

A democratic setup to be effective and fruitful requires a guaranteed process of fair, free and transparent elections that may reflect truly the will of the people at the various levels of society.

### **Targets of Elections**

11. Ending the existing class society.
12. Loosening the hold of the vested interests over state power.
13. Enabling all the people to utilize the means of production to the best of their ability, and to participate effectively in the development of society.
14. Bringing down the disparity in incomes to the minimum level.
15. Enabling the rule of law and justice to prevail.

### **Essential Steps for Better Results Through Elections**

53. Making the Election Commission fully independent and financially secure, and giving it judicial powers. Appointment of the Chief Election Commissioner to be made by the National Assembly.
54. Reducing the life of national and provincial assemblies from 4 to 3 years and that of the Senate from 6 to 4 years.

55. Increasing the seats of the national and provincial assemblies in the ratio of 1 seat for 3 lacs population.
56. Devolving maximum power from the federation to the provinces and local bodies.
57. Setting up a permanent and fully empowered Accountability Commission to receive public complaints and take decisions thereon, authorizing it to take *suomoto* action against corrupt and inefficient people.
58. Making it essential for political parties desiring participation in elections for the national assembly to establish branches in all the provinces. Those having branches only in the provinces should be allowed to take part only in the elections of the province/provinces in which they have branches..
59. Making it mandatory for political parties to have internal democracy and collective leadership, rather than personal or patrimonial leadership. They should also maintain membership registers and keep proper accounts. Also making it mandatory on their candidates to submit documents regarding the educational status, annual income, personal assets, the amount of taxes paid and value of unpaid taxes. Submission of affidavits to the effect that they have not been convicted under any criminal law and that no criminal case is pending against him in any court, should also be made obligatory.
60. Disallowing political parties and their candidates to print and distribute slanderous material, or use abusive language, against other political parties or their candidates or use racial, sectarian or religious slogans, or accuse others of being enemies of Pakistan and Islam. The word "Islam" should not be used as a political slogan in elections. Candidature of those indulging in such activities should be made liable to cancellation.
61. Disallowing independent candidates from participating in elections as they contribute to de-stabilizing governments.
62. Thoroughly discussing all aspects relating to elections in print and electronic media and in seminars all over the country, so that people come to evince keen interest in elections and the voters participate in elections with zeal and in large numbers.
63. Holding elections at the national and provincial levels on party basis and on the basis of joint electorate.



64. Giving in trusteeship by the state luminaries—the President, the Prime Minister and the Chief Ministers—of all their assets.
65. Arranging direct elections to the Senate while reserving seats for writers, journalists, scientists, technocrats, traders, industrialists, workers and *kissans*.
66. Giving the right to voters to recall their candidates in the assemblies in case they are not performing their duties well or are indulging in corruption, murder etc.
67. Broadcasting dramas and scripts on elections through television and radio.
68. Reducing election expenses to the bare minimum in order to make elections an affordable exercise for the lower and middle classes. The limit to election expenses should be fixed at Rs. 20,000/-.
69. Banning posters, billboards, neon signs, banners, wall chalking and advertisements in print and electronic media. Instead, the Election Commission should publish posters constituency-wise giving the names of candidates, their election symbols and names of their political parties, and these should be displayed pasted outside the election offices and duly notified public places.
70. Allowing only handbills and 4-8 page pamphlets to candidates for introducing themselves directly to the voters in their constituencies.
71. Putting a total ban on transporting voters to the polling booths on hired vehicles, and on offering food and soft drinks in the polling camps.
72. Increasing the number of polling stations and placing them at central places to facilitate voters.
73. Providing candidates and political parties with the facility to present their policies and programs through the electronic media.
74. Making it mandatory for polling officers and polling agents to sign the count- sheets at the polling stations. A countersigned copy of the count-sheet should be given to the polling agents present.
75. Arresting immediately persons polling fake ballot papers. Also immediately dismissing and blacklisting any member of the polling staff found indulging in canvassing etc. in favour of any candidate.
76. Not arresting candidates or their polling agents on fake charges after the announcement of election dates to enable them to perform their work unhindered.

77. Publishing a priced booklet on election rules and procedure by the Election Commission for the guidance of election and polling agents.
78. Restoring the 1973 Constitution to its original form at the time of its framing. Any amendments to this Constitution should be made by a truly elected parliament under free, fair and transparent elections under the new rules.

### ***Holding Elections in Two Phases***

The first phase of elections should be reserved for determining the eligibility of political parties and their candidates for participation in the second and final phase of elections. Those political parties, which are unable to obtain 10 per cent of the total votes polled, and those candidates who fail to attain the first two positions in the first phase, should be disallowed to participate in the second phase of elections. Only those candidates should be declared elected who obtain more than fifty per cent votes. The holding of elections in two phases is essential to establish the true democratic character of elections.

### **The Prevailing Political Situation**

The feudalists and capitalists have monopolized their hold on the means of production, and have created a class society in Pakistan by establishing economic, social and political monopolies. These vested interests have consolidated their hold on political parties and do not allow them to develop their polity on democratic lines. They have also consolidated their hold over state institution. They grab power and wealth through intrigues and machinations during fake elections, and prevent the educated, capable, sincere and honest persons belonging to the lower and middle classes from entering the assemblies and sharing power with them. They, with the connivance of the religious elite, have deliberately, and by design, kept the masses poor, weak and uneducated so as to disable them from understanding their rights and standing up for their realization. They have been using party workers only to further their personal interests. Those alone are made office-bearers who serve their interests, and party

funds are spent on personal projection. During the last 56 years they have not used state power to solve the problems of the people. They have kept the people deprived of their right to utilize the means of production of the country.

The present electoral system negates sovereignty of the people and their interests. It is the biggest hurdle in the way of establishing a people-friendly welfare state devoted to raising the standard of living of the poor. Democracy grants equal rights and status to all citizens and does not discriminate between them on the basis of color, race, religion and gender. The present anti-people system will, therefore, have to be changed. Elections are an instrument of changing not only the government but also the economic, social and political systems so that the state administration, the police and the judiciary are enabled to solve problems in the right way, and work whole-heartedly for the progress of the country.

The importance of the national interest will have to be made manifest in the public eye by doing away with racial, religious and sectarian prejudices, and by developing clean politics free from self-interest, intolerance and authoritarianism. If we love our country, if we are well-wishers of the nation, if we desire prosperity of the country and a good name in the comity of nations, if we want to safeguard our children's future, and if we seek to build our society on the foundation of love, peace and human fraternity, it is incumbent upon us to reframe our electoral system on the right lines.

June 12, 2005.

## FAIR ELECTIONS, THE ONLY WAY OUT

Your article published in Dawn contains some very pertinent points that need to be registered before I proceed further. They are:

"Hold elections – all-embracing and absolutely fair and free. Let the electoral resolve the crises along with other long-pending vital issues that are gnawing at the foundations of state and society."

"Half the century has been lost and we have has long years of military rule/quasi-civilian rule and the undermining of the democratic process has been in progress."

"What is important is not the continuity of a government but the quality of governance."

The framer of the US Constitution James Wilson stated in 1787, "people may change the constitution whenever and however they please. This is a right which no positive institution can ever deprive them."

"Elections is peaceful and nationally recognized and is the acid test of a nation's coming of age and being able to deal with its problems."

"The people's collective wisdom ensures the return of such stalwarts and statesmen as could meet the need of the hour."

"Roosevelt, Winston Churchill, Charles de Gaulle and Konrad Adenauer were all duly elected leaders who were called to play their historical role in the most testing of times, yet none of them usurped power on the grounds of "national security."

"The 1973 Constitution is more centralized than the India Act 1935 or the 1956 Constitution. It gave 114 powers to the federation. This list must now be reduced to the barest minimum."

"What is important is the motive behind constitutional amendments. Ironically, all 17 amendments to the 1973 Constitution were made either to legitimize military rule (both direct and indirect) or to strengthen the

executive at the cost of parliament, the judicature and the people's inherent civil and political rights. All over the democratic world, constitutional amendments are made to grant more political and civil rights to citizens."

The above quotations highlight the importance of the Constitution and the elections. Both the documents need extensive and incisive amendments. To start with the electoral reforms, I have prepared some proposals for guaranteeing free and fair elections, which I am sending you, as an attachment to this e-mail, for your perusal and appreciation. I would like to have your comments on these and would appreciate if you could improve on these. Please also give your postal address. My postal address is: 74/A-2 Abu Bakr Block, New Garden Town, Lahore. Mobile: 0302-4130307.

Yours truly,  
Safdar Hasan Siddiqi

## **ELECTORAL REFORMS VIEWPOINT OF PAKISTAN JEMHOORI TEHREEK**

### **Present Situation**

At present 90 percent members of the assemblies are representatives of feudals and capitalists, who by establishing their social, economic, and political monopolies have laid the foundation of class-society in Pakistan. They have a strong hold over the political parties, and their representatives in these parties do not let them do any planning in favour of the people on democratic lines. These elements have also grasped state institutions. They acquire power and wealth through intrigues and machinations and do not allow the educated, capable and honest persons from amongst the lower and middle classes, who are in, absolute majority, to share power with them. They have kept the people poor, financially handicapped and uneducated with the help of the religious elite, so that they may remain ignorant about their rights, and do not stand up to secure these rights. During the last 56 years they have not used state power to solve the problems of the people.

The existent system of elections negates the severity of the people and their interests. This system prevents the establishment of a "people friendly welfare state" which raises standard of living of the poor. Democracy gives equal rights and status to all citizens and do not differentiate between them on the bases of color, race, religion and gender. Election is an instrument for changing the social economic and political systems so that, through it, the country's executives and judiciary may solve their problems in a proper manner and work jointly for the progress of the country.

We will have to highlight the national interests in the eyes of the people. For this purpose we will have to end national religious and sectarian prejudices and have to arrange a politics which is free from intolerance and despotism. If we love our country and are sincere with the nation, if we are desirous of our country's development and prosperity, if we want to have a good name amongst the family of nations and if we want to build our society on the bases of love, peace and human fraternity, we shall have to formulate the electoral system on the right lines.

### **The Aims of Elections**

The aims of elections should be determined on the following lines:

21. Ending the existing class-society.
22. Loosening the hold of the vested interests over state power.
23. Enabling all the people to utilize the means of production to the best of their ability, and to participate effectively in the development of society.
24. Bringing down disparity in incomes to the minimum level.
25. Enabling the rule of law and justice to prevail.

### **Basic Election reforms**

The following basic electoral reforms should be made

57. The life of the national and provincial assemblies should be reduced to 3 years and that of the Senate to 4 years.
58. The elections to the national and provincial assemblies should be held at the same time.
59. All elections should be held in two stages. The first phase should be reserved for determining eligibility of political parties and candidates for participation in the second and final phase. Those political parties, which are unable to obtain 20% of the votes polled, and those candidates who do not obtain the first two positions, should be disallowed to participate in the final phase of

- elections. The candidate getting the largest number of votes should be declared elected. The holding of elections in two phases is essential to establish the true democratic character of elections.
60. The election to the senate should be held on the basis of direct elections.
  61. The seats of national and provincial assemblies should be increased in the ratio of one seat for a population of 3 lacs.
  62. Election expenses should be reduced. No candidate should be allowed to spend more than Rs.20, 000.
  63. The election commission should be made fully independent and self-sustained financially. Appointment of the Chief Election Commissioner should be made by consensus of all political parties and through the parliament.
  64. The Election Commission should publish posters containing the names of the candidates and their political parties and election signs. It should not be done by the political parties.
  65. The Election Commission should also arrange a full fledged campaign of mass awareness regarding elections in the print and electronic media
  66. The voter's list should be revised yearly. The names of the dead and fake- voters should be removed, and names of those not listed and those who have reached the age of 18 years on 1<sup>st</sup> January should be added.
  67. Only those political parties that have branches in all the provinces should be allowed to participate in the elections for the national assembly. Those parties having branches only in few provinces should only be allowed to take part in the elections of the provinces in which they have branches.
  68. The independent candidates should not be allowed to participate in elections, because they damage the electoral process. They should instead be encouraged to join the political parties of their choice.
  69. The electorate should be allowed to call back candidates of their constituencies who indulge in corruption and show bad performance.
  70. Elections to the national and provincial assemblies and the local bodies should be held on party basis and joint electorate.



## **Essential steps for getting better results from elections.**

The following steps should be taken in this regard:

29. A three-month campaign should be made through out the country by the election commission and political parties so that the importance of elections is made evident and deep interest created in them so that they take part zealously in the elections and vote in large number.
30. The holding of elections every two years, and promotion of the concept of "collective leadership" should be made compulsory for political parties rather than hereditary or charismatic leadership. All political parties should be ordained to keep membership register and maintain regular accounts.
31. The political parties and their candidates should not be allowed to print and distribute slanderous material or use abusive language against other political parties or their candidates or to use racial, sectarian and religious slogans or accuse others for being enemies of Pakistan and Islam or issue decrease of infidelity against them. Candidature of such persons should be cancelled.
32. The number of polling stations should be increased and placed at central places to which most voters could walk down.
33. Party candidates should not be allowed to publish their photos on posters and billboards, to do wall chalking, give advertisements in print and electronic media and indulge in publicity through loudspeakers.
34. At the end of polling, the polling officer and polling agents representing various political parties should jointly sign the election result of that station, a copy of which should be given to the polling agents present, and should be pasted out side the polling station.
35. The Election Commission should publish a booklet on election rules for the guidance of polling agents, and give them to political parties and their candidates on payment.

## **The Criteria for Candidates**

The voters should poll their valuable vote only according to their conscience, and deliver their votes to the better person, to which ever political party he / she may belong, keeping in view the following criteria:

**Vote only for such persons:**

25. Who is liked for his capability, service and good reputation, and is known as a good human being.
26. Who is educated, honest, of good character and truthful, and is service-minded.
27. Who is free from all kinds of prejudices, and treats all Pakistanis in a similar manner.
28. Who takes active part in social work and in solving the problems of the people.
29. Who is not involved in sectional and sectarian prejudices, and does not ask for votes in the name of *baradaris*.
30. Who is from the lower and middle classes.

**Do not vote for such persons:**

33. Who have unlawful incomes, who spend luxurious lives, and who indulge in immoral crimes, have been convicted for a moral turpitude, have bad reputation, indulge in smuggling and black marketing and is are professional criminals.
34. Who have changed their political loyalties to gain power and wealth.
35. Who have not grabbed others' properties.
36. Who are not involved in violence, pillage, exploitation and anti-state activities.
37. Who are tax-evaders.
38. Who purchase votes, oppress, threaten and indulge in ill practices.
39. Who uses the name of Islam for attaining self-interests and for gaining power?
40. Who has sided with the present military dictatorship.

If you elect wrong people for the assemblies, you will suffer worse conditions than the present, and will loose all your rights. After that you will forfeit your right to complain about the bad state of affairs.

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**DEMOCRACY ON THE MOVE  
PAKISTAN'S NEED FOR A NEW ELECTORAL SYSTEM**

**By Safdar Hasan Siddiqi**

**Edited by Iftikhar Hasan Siddiqi**

**PART 1: IMPORTANCE OF FAIR ELECTIONS**

**HOW TO ACHIEVE TRANSPARENT ELECTIONS?**

The objective of elections, among other things, should be to loosen the hold of the vested interests over state power, ending the existing class-oriented society and the hold of a few over the means of production and devolving maximum power from the center to the provinces and local bodies.

It is imperative that a plane level field is provided to all political parties, and no restrictions, whatsoever, are laid on leaders of any political party for participation in elections, if democracy is to play an effective role in the in the social, political and economic spheres of the country. Unless fair elections are ensured in every way in Pakistan, there is no chance for democracy to establish itself and flourish.

It is essential to ensure free elections through 3-month-long large-scale dissemination among the people at the lower and middle strata of

society of the requisites for fair elections, by the Election Commission and the political parties, in order to prepare them for their effective participation in elections.

These requisites are:

- 151) Making elections very much less expensive by (a) banning the use of banners, bill-boards, neon-signs, print and TV adds and wall-chalking, and by substantially reducing the election fee so as to enable candidates from the lower income groups to be elected for assemblies and all segments of society could get due share in the power structure.
- 152) Reducing election expenses to Rs. 20,000.
- 153) Allocating common places in each constituency for holding election meetings.
- 154) Making obligatory strict observation of Code of Conduct for elections, and disqualifying violators from taking part in elections.
- 155) Publishing by the Election Commission of constituency-wise posters giving names of candidates and their political parties along with their election symbols, and displaying them at notified public places and outside the election offices and polling stations.
- 156) Banning the use of loudspeakers for election campaigning on vehicles, restricting their use to public meetings.
- 157) Allowing only handbills and 4-page pamphlets for introducing candidates in their constituencies in door-to-door campaigns.
- 158) Disallowing transportation of voters in hired vehicles on the polling day, and serving food and soft drinks in polling camps.
- 159) Increasing number of polling stations and placing them at central places for voters' convenience. One polling station for not more than five thousand voters be set up. The seats in the provincial and central assemblies should be increased accordingly
- 160) Provision of facilities to political parties for placing their policies and programmes before the electorate through television and radio.
- 161) Authorization of voters of all constituencies to call back any elected candidate who loses confidence of the electors after one year's performance.
- 162) Disallowing political parties and their candidates from printing and distributing slanderous material, and use abusive language against other political parties and candidates.

- 163) Disallowing use of religious slogans during election campaigns.  
Allowing expression of views with reference to public issues only.
- 164) Broadcasting unbiased election related dramas on radio and television by the Election Commission.
- 165) Computerizing the Voters' list and clearing it of all bogus voters, and supplying copies to all registered political parties.
- 166) Allowing all voters entered in the voters' list to vote, and allowing identification of voters by means of other than identity cards such as passports, driving license, tax registration numbers.
- 167) Revising the electoral list every year, and adding 2 crore voters in private jails of jagirdars and those living in the villages under the tutelage sardars and big landlords, especially the women who are not allowed by them to get themselves enlisted as voters.
- 168) Making obligatory the election of all office-bearers of political parties.
- 169) Giving funds by the state to registered political parties according to the percent of votes secured by political parties in the last elections.
- 170) Holding elections by a caretaker government that would not include members of the sitting government or their close relatives, and formed by consensus of the contesting parties.
- 171) Re-constituting the Election Commission and making it fully independent in administrative, legal and financial powers, not appointed by the incumbent government but with the consent of the opposition.
- 172) Making the judiciary fully independent of the PCO, making the members of the judiciary take a fresh oath on the original 1973 Constitution.
- 173) Holding elections in two phases for enabling candidates securing more than 50 per cent of polled votes to be declared elected. Allowing only the first two candidates securing the highest number of votes to take part in the second round.
- 174) Fixing the period for national and provincial assemblies at 4 years and that of the Senate at 6 years
- 175) Holding election to the Senate on the basis of direct elections.

Unless the above requisites are secured the possibility of holding fair elections is bleak.

Considered comments on the above proposals by you is solicited within one week. It will assist us in starting a campaign for holding transparent elections, which is a sine qua non for good governance. It will be appreciated if you will amend these proposals or add some more.

## **PART 2: IMPROVING THE ELECTORAL SYSTEM**

(As a matter of fact, unless the Chief Election Commissioner of Pakistan is not made fully independent and is judicially empowered (as in India) there is no possibility of the elections being free, fair, and transparent, reflecting truly the will of the people – the ultimate sovereigns of their country. Every four or five years of the nation will thus be wasted in elections and the prevailing spurious system of governance will not be changed for the better.

We have given herewith in full detail, the proposals that can guarantee the holding of fair elections. Without bringing into effect these proposals, any elections will be fruitless and a sheer loss of nation's time, money and efforts.

It is desired that all leaders of public opinion, as well as the people at large, study these and pressurize the government to improve the Election Commission's set-up and the election rules accordingly before the next general elections are held.)

### **Premise**

The Electoral System is central to the democratic process, and its contemporary form and manifestations are shaped by the evolution experienced by the democratic societies during the 20<sup>th</sup> century. When we talk of democracy, holding of elections at the central, provincial, district, tehsil and local levels is an essential process for determining effectiveness or otherwise of the democratic process. For a democratic set-up to be effective and fruitful, therefore, requires a guaranteed process of fair, free and transparent elections that reflects truly the will of the people at the various levels of society.

Having determined the importance of holding elections, we now turn towards the philosophy behind elections and the concept of democracy for

any society. The basic logic upon which all articulations of the principle of democracy rests is that the Creator of the universe, whom we remember by various names has, in order to unfurl His scheme of life in the universe, created along with the universe its principal actor – the human being. Man has been endowed by Nature with all the requisite capabilities and resources that are required by him for creating and establishing a humane, cooperative, peaceful, progressive, creative, prosperous and fraternal society. The primary attributes of man in this respect such as sovereignty, ownership of the means of production and the authority to govern, have also been securely determined in this scheme.

The divine rule set for the serious game of life that thus emerges is that the only way to ascertain the will of God today is through true representatives of the people by enabling them to reach the decision-making and policy-making systems and assemblies through a fair and unfettered election process. To set up any other system of governance through intrigue and deceit, and by manipulating elections, amounts to revolting and arraying against God and the interests of the people. Adopting this kind of a negative mindset leads one to submit to personal and political interests, and resort to the artifice of claiming God's support in one's wrong doings, as is being done by the religious elite, the depraved politicians and the military dictators.

### **Raison d'être of Elections**

Before proceeding further it would be proper if we also go to provide a few arguments that would help in contributing towards awareness of the people, who are the true sovereigns and arbiters of Pakistan's destiny.

In order to make people knowledgeable and politically aware, to raise sound leadership from amongst them with the help of honest and upright intellectuals and to form a system of good governance on truly democratic lines is, of course, a difficult task. For this, a long distance will have to be traversed and some people will have to dedicate their lives for this tremendous work. But positive results will certainly accrue if this is done. As stipulated, elections are the foundation of democracy and the propellers of social activity, and are necessary for building a vibrant society worth living in.

In order to get the best results from the election process, a string of strong arguments must be constructed and articulated. A few are given hereunder: -

1. It will be fruitless to take part in elections without changing the existing electoral system. Unless it is changed fundamentally, the exploitative class-system will continue to exist. Setting up of an independent Election Commission is a pre-requisite for fair elections.

2. Feudalists and capitalists have created the class system. Elections are an instrument of change of not only the government but also the economic, social and political systems so that the state administration, police, judiciary and other state institutions are enabled to solve people's problems in the right way, and work for the progress of the country.

3. The present electoral system negates sovereignty of the people and their interests. It is the biggest hurdle in the way of establishing a people-friendly welfare state. It is, therefore, wrong and deceitful to claim democracy without changing this system itself.

4. The feudalists and the capitalists have created the class-system. They belong to the upper classes and have a strong hold over state institutions. Their relationship with the ordinary people is that of rulers and the ruled. They grab power through intrigues and machinations during elections, and prevent the educated, capable and upright persons of the lower and middle classes from entering the assemblies and sharing power with them.

5. The jagirdars and big landlords, the dirty amongst the rich and the religious elite have kept the masses poor, weak and uneducated, deliberately and by design, so that they do not understand their rights and also do not generate in themselves the courage to demand their rights.

6. The vested interests procure votes during elections by threatening and overawing the voters, by tempting them with money and other favours and by involving them in racial, sectarian and religious prejudices and disputes. They have consolidated their hold on political parties and do not allow them to develop their polity on democratic lines.

7. Such vested interests have been using the party workers only to further their personal interests. Elections for party offices are not held, and accounts of party funds are not maintained regularly. Those alone are made office-bearers who serve their interests, and party funds are spent on personal projection.

8. During the last years most of the politicians have worked simply as agents of the establishment. They have not used state power to solve problems of the people but have instead used it to amass wealth. They



have kept the people deprived of their inherent right to utilize the means of production, which they have kept in their own possession.

9. Democracy is based on the concept that all persons living in a country are owners of the land and other means of production of the country, and that governance is their basic right, which they exercise by sending their elected representatives to the assemblies. Democracy grants equal rights and social status to all citizens and does not discriminate between them on the basis of colour, race, religion and gender. It is sheer negation of democracy to create a class-society by establishing economic, social and political monopolies and vested interests.

10. The importance of national interest will have to be made manifest in the public eye by doing away with racial, class, religious and sectarian prejudices, and developing clean politics free from self-interest, intolerance and authoritarianism.

11. It is incumbent upon us to re-frame our electoral system on the right lines if we love our country and are well-wishers of the nation, if we desire prosperity of the country, if we want to safeguard our children's future and if we seek to build our society on the foundation of love, peace and fraternity.

### **Objectives of Elections**

The election process is an articulation of people's will, an act of choosing representatives, a mandate for political order and making governments of their choice as a means of making policies and selecting agendas for governance.

Having laid down the premises and *raison de e'ter* of elections, we now proceed to put forward clearly the objectives of election exercises. The first objective is that those who enter the assemblies should be true representatives of the people belonging mostly to the lower and middle classes, as these two classes represent a huge majority in the country, and that they should be educated, honest, capable, fully committed, and oriented towards collective gains. Only a serious and continuous democratic process, and the holding of political awareness programmes, will ensure such welcome characteristics to emerge. In other words, it should be ensured that the representatives have been selected voluntarily

by the people with their free will and without fear or greed or other systematic problems, that they have good understanding of people's problems, and that they have the will to change the existing rotten system of governance, and initiate socio-economic development process in order to bring into being a clean, creative, peaceful, progressive and democratic society. Political activists will have to undergo intensive training in this respect.

The second objective is that the polling of ballot papers should be kept totally free from the influences of money and other pressures, and that the candidates having good reputation, and engaged in useful social activities are not prevented from taking part in elections just because they do not have enough financial resources. A desire for cooperation with such candidates will have to be engendered among the electorate. In this connection the caste and *baradari* considerations will have to be abandoned.

The administration should also be rendered completely impartial in the electoral process. Manifest institutional arrangements in all branches of administration will also have to be made. Utter disregard of these two objectives in the elections, held ever since Pakistan came into being, and the undemocratic manner in which state policies and the state administration had been carried out during the past, have resulted in the sad state of affairs that we are confronted with today. This has happened because our focus has always been on individuals to deliver, and nothing has been thought, written and moved forward to let institutions be developed and sustained to determine the collective will. We have ignored those who corrupted and destroyed the institutions to an extent that all arrangements do not function as they should.

### **Targets of Elections**

Before we propose certain improvements in the electoral system and its rules, it would be proper, first of all, to fix the goals of elections. Those who are desirous of working for national development will have to acquaint themselves with the economic, political, social and cultural issues faced by the nation, and harness the knowledge thus gained to solve the problems of the masses. They should also train the people in rendering service to others and generating open-minded leadership. In order to be successful in this pursuit, we will have to ensure the effectiveness, transparency, fairness and legitimacy of the election process, and then go on to make

arrangements for creating awareness among the voters regarding the importance and meaning of elections for setting up good and effective governance system. The targets to be achieved should contain the following:

1. Ending the existing class-oriented society, and giving to the people the right of equal opportunity to utilize the means of production according to their capabilities, efforts, potentials and entitlements. The conditions to be created to facilitate the process for achieving this objective will have to be clearly laid down.

2. Loosening the hold of the vested interests over state power. This can only be done if we put our credibility on line and dare to suggest measures that will automatically direct us as a nation towards that cherished goal.

3. Devolving maximum power from the center to the provinces and local bodies. We need to make sure that local bodies do not become tools in the hands of fortune-seeking civil and military establishments. We should be serious to make the local body system work at the grassroots level and not become a tool in the hands of a central dictatorial authority. If the local body system can be improved, most of the common person's problems can be sorted out and solved.

### **Steps for Ensuring Free and Transparent Elections**

In order to make free and transparent elections certain, to remove pressures of the vested interests on voters and to enable them to use their votes in accordance with their conscience and in the best interest of the nation, the following steps need to be taken:

1. Elections should be held by a Caretaker Government, which should not include sitting ministers or their close relatives. The sitting government should resign three months before the date of elections.

2. Election Commission should be declared fully autonomous and should only be accountable to the Parliament. Its financial autonomy should also be ensured and guaranteed. The Chief Election Commissioner should be made permanent and also be given full administrative and judicial powers, as in India.

3. Setting up of an Independent Judiciary to ensure independence of the Election Commission. The judiciary should always stand by the election commission in the event of any differences between the Commission and the Government in power.

4. Taking political parties into confidence by the Election Commission for making election rules by seeking their proposals. Proposals may also be sought from the public. A proper record of these proposals should be kept.

5. Thoroughly discussing all aspects of election reforms in the print and electronic media, forums, and seminars all over the country, so that the people evince keen interest in elections before they are held, and the voters participate in the elections with zeal and fervour.

6. Courts should be authorized to make independent decisions without any pressure or fear of intimidation in order to uphold the fairness of the election process.

7. Voters should be authorized to call back their elected representatives, if they lose confidence and faith of the voters of their constituencies. The process of calling back should be formally defined in the Constitution and election rules.

8. Fixing Intermediate and Graduation as minimum educational qualification for candidates for the provincial and national assemblies respectively. But this could be a time-based measure that should not be adopted permanently.

13. Reducing the period of membership of provincial and national assemblies from 5 years to 3 years and that of senate members from 5 years to 4 years. These periods should remain till such time as people do not get politically educated sufficiently, and a good leadership does not become available to them. Training the voters, and continuous happening of transparent and impartial elections, will alone bring back the interest of voters in the electoral process.

10. Holding elections to the national and provincial assemblies on the same date.

15. Arranging direct elections to the senate while reserving seats for writers, journalists, educationists, men of learning and scientists, technocrats and men of learning, traders and industrialists, representatives of trade unions and *kissan* organizations. Seats should not be reserved separately for 'ulema', as Islam has not granted them any special institutional status as religious leaders. They are free to contest elections as 'men of learning', or from general seats on party tickets or as independents.

12. Empowering Senate to take all decisions of national importance, and creating parity

among provinces for making vital decisions, policies and laws of the country. The senate should be empowered to review the budget before it is passed by the National Assembly.

13. Disallowing indirect elections in Local Bodies elections. Elections by show of hands should also be prohibited.

18. Restoring the 1973 Constitution in its original form. Any future amendments to this Constitution should be made by the new truly democratically elected parliament.

15. Giving the right to voters to recall their candidates during their term of office on charges of corruption and inefficiency.

16. Reserving seats for women and religious minorities.

17. Merging the tribal areas and Northern Areas or joining them with other adjoining

Provinces. Candidates from these areas should be given the right to vote. They should be elected rather than nominated by the *sardars*.

18. Giving in trusteeship by the state luminaries - the president, the prime minister and the chief ministers – of all their assets.

19. Setting up a permanent and fully empowered Accountability Commission, which will receive public complaints and take decisions thereon. It should also be authorized to take *suomoto* action against corrupt and incompetent persons. It should be ensured that such commission would not be a simple tool in the hands of the vested interest by making it administratively and financially independent. Selection of its chairperson should be done by the political parties in power as well as those in the opposition, and confirmation be made through the National Assembly.

21. Administrative Accountability Courts should also be established for administrative accountability of bureaucracy for corruption and dereliction of duty.

22. The voters' list should be computerized and cleared of all bogus voters, and their copies should be supplied to the registered political parties. All those voters whose names are printed in the voter's list should be allowed to vote. Identification of voters by means other than identity cards should also be allowed. The system of challenging votes may be re-introduced

23. Elaborate arrangement should be made for revising the voters' list before the holding

of elections. Votes of about 2 crore adults in private jails of jagirdars, should be enlisted. Votes of those living in the villages under the tutelage of *sardars* and big landlords, especially the women, who are not allowed by them to enlist as voters, should also be enlisted.

24. It should be mandatory for all elected governments to present all policies (economic, foreign, defense, education, finance commission etc.) to the Parliament and not make them through extra-parliamentary means. The process of issuing Ordinances should be discouraged, and such discretionary powers of the president should be curtailed.

27. Making it essential for political parties wanting to participate in elections for National Assembly to establish branches in all provinces. Those political parties which do not have branches in all the provinces, or have these in one or few provinces, should only be allowed to participate in the provincial elections of those provinces in which they have their branches. To promote unity in the country, only those parties should be allowed participation in elections for the national assembly that get minimum vote, say 5 percent from each province.

26. Making it mandatory for political parties to have internal democracy and collective-leadership in the party. Elections of all office-bearers should be made mandatory for political parties.

27. Government should give adequate funds to registered political parties, commensurate with the percentage of votes secured by them, for their office expenses.

28. Disallowing political parties and their candidates to print and distribute slanderous material or use abusive language against other political parties or their candidates or to use racial, sectarian or religious slogans, or accuse the other political party or candidate for being enemies of Pakistan or Islam, or issue decrees of infidelity against them. Candidature of those indulging in such activities should be cancelled. There is no difference of opinion about Islam being the ideology of Pakistan. Therefore, the word "Islam" should not be used as a political slogan in elections. Any slogans should be issue-oriented.

29. Political parties should make the following documents available to the Election

Commission:

- (q) Party constitution and manifesto
- (r) List of members (province wise)
- (s) List of central and provincial office-bearers
- (t) Certification of the dates when the last party elections at the provincial and central levels were held.

30. Making it mandatory for political parties to provide the following documents and information about their candidates while submitting their nomination papers: -

- y. Name, age, address and telephone number
- z. Educational status
- aa. Annual income and value of personal assets
- bb. Amount of taxes paid, and value of unpaid taxes
- cc. Affidavits by the candidates to the effect that they have not been convicted under any criminal law and that no criminal cases are pending against them.
- dd. Holding elections at the national and provincial levels on party basis and on the basis of joint-electorate.

31. Arranging a 3-month long political awareness campaign for the people and voters through the Election Commission, for preparing them for effective participation in the elections. 32. Broadcasting dramas, specifically on elections on television and radio.

33. Limitation of constituencies should be done by keeping in view the convenience of voters and not according to the interests of certain candidates. It should be done with due consent of parties in opposition.

34. Final announcement of the constituencies should be done at least three months before the election date, and that of polling stations two months before elections.

35. The police and the administration should also be rendered completely impartial in the electoral process. Manifest institutional arrangements in all branches of administration will also have to be made.

### **Reducing Election Expenses and Improving Electoral Conduct Rules**

Specific steps should be taken to improve the electoral rules. The government should take positive and solid steps to lower election expenses so that persons with average income and resources could serve the nation through the

assemblies in a better way. It should also be ensured that all segments of the society get their due share in the power structure and thus get rid of the prevailing sense of indifference, by participating in the assembly proceedings fully and with fervour. The improvements suggested are:

41. Reducing the election expenses to the bare minimum in order to make elections an affordable exercise for the lower and middle classes, who have limited financial resources. The limit to election expenses should be fixed at Rs.20, 000/-.
42. Common places should be fixed within each constituency for holding election meetings / processions, in order to avoid any disturbances to public activity and to reduce cost on these activities.
43. Strict observance of Election Code of Conduct should be made, and the violators should be disqualified from taking part in elections.
44. Banning posters, billboards, neon-signs, banners, wall chalking and advertisements in print and electronic media. The Election Commission should instead publish posters constituency-wise giving names of candidates, names of their political parties and their election symbols. These should be pasted outside the election offices and displayed at notified public places, previously advertised.
45. Disallowing loudspeakers for electioneering campaign on vehicles. Loudspeakers should be restricted only to public meetings by political parties.
46. Allowing only handbills and 4-8 page pamphlets for introducing candidates to voters in their constituencies through door-to-door contacts.
47. Putting a total ban on transporting voters on hired vehicles on the polling day, and on offering food and soft drinks in polling camps.
48. Increasing the number of polling stations and placing these at central places, so as to enable voters to walk down to these stations with ease for tendering their votes.
49. Providing every candidate with one free copy of the electoral list of his / her constituency.
50. Providing the facility to political leaders of presenting their policies and programs through the electronic media, while giving them enough time therein.



### **Holding Elections in Two Phases**

Elections should be held in two phases. The first phase should be reserved for the determining eligibility of political parties and candidates for participation in the second and final phase. Those political parties, which are unable to obtain 10% of the votes polled, should not be allowed to participate in the final phase of elections. The parties should contest the first phase by issuing list of their candidates and declaring their manifestos. The candidates who do not obtain the first two positions in the first phase of elections should be disqualified to participate in the final phase of elections. Thus the candidate securing more than 50 per cent votes will be declared elected. The holding of elections in two phases is, therefore, essential to establish the true democratic character of elections.

### **Proportional Representation**

The system of proportional representation should not be adopted until such time as the political parties get well organized on truly democratic lines and the candidates become politically aware, educated, trained in political and social work and are keenly interested in taking part in elections. The number of mushroom political parties is also very large. The system of proportional representation could be progressively introduced in the light of the experience gained after holding a few elections on the basis of direct elections, and after the political parties become strong and small in number.

## **PART 3: ROPOSALS FOR HOLDING FAIR, FREE AND TRANSPARENT ELECTIONS**

**Prior to the holding of elections, the following steps should be taken:**

1. The elections scheduled for January 8 should be postponed for two months and, in the meantime, a Caretaker Government and a fully independent, legally empowered and financially secured Election

Commission should be formed by mutual consent of the government and opposition parties.

2. An atmosphere of goodwill and credence should be created between the ruling and opposition parties, in the interest of the country, for initiating dialogue between them in this regard because a democratic set-up, to be effective and fruitful, requires a guaranteed process of fair, free and transparent elections that may truly reflect the will of the people.

3. The emergency imposed on November 3 should be lifted and the PCO withdrawn. The Judges of the supreme and high courts should be immediately restored.

**The following targets should be fixed for good governance:**

31. Ending the existing class society and the status quo.
32. Loosening the hold of the vested interests over state power.
33. Enabling all the people to utilize the means of production to their benefit to the best of their ability, and to participate equally in the affairs of the state for developing the society.
34. Bringing down the disparity in incomes to the minimum level.
35. Removing poverty, allaying unemployment, arranging good education and health for the people.
36. 6. Enabling the rule of law and justice to prevail.

**The following steps should be taken, on a long-term basis, for good governance:**

31. Life of national and provincial assemblies should be reduced from 5 years to 4 years and that of the Senate from 6 to 5 years.
32. The number of seats of the national and provincial assemblies should be fixed at 1 seat for 3 lacs population.
33. Maximum powers should be devolved to the provinces from the federation.
34. A permanent and fully empowered Accountability Commission should be set up to receive public complaints and take decisions thereon, authorizing it to take *suomoto* action against corruption.
35. It should be made mandatory for political parties to have internal democracy and collective leadership rather than patrimonial leadership. They should also maintain membership registers and keep proper accounts. Their candidates for election should also be made to submit documents regarding their educational status, annual income, personal assets and the

amounts paid as taxes and the value of unpaid taxes. Submission of affidavits to the effect that they have not been convicted under any criminal law should also be made mandatory

36. It should be made essential for political parties desiring participation in elections for the national assembly to have branches in all the provinces.
7. The candidates should not be allowed to stand from more than one constituency. The prevailing way of multiple constituencies should be discontinued.
8. Those having branches only in one or few provinces should only be allowed to  
take part in elections for the provinces in which they have branches.
24. Elections to the national and provincial assemblies should be held only on party basis and on the basis of joint-electorate.
25. Elections to the Senate should be held directly, while seats should be reserved for writers, journalists, scientists, technocrats, traders, industrialists, workers and *kissans*.
26. The 1973 Constitution should be restored to its original form because it has been disfigured beyond recognition by wrong amendments. Any useful amendments to the constitution could be made by a truly elected parliament.

**The following steps should be taken to ensure free, fair and transparent elections:**

86. In order to determine the credibility of the candidate the following criteria should be fixed:
  - (a) He is not convicted by a court of law for any criminal offence.
  - (b) He is not a tax-defaulter.
  - (c) He does not have a bad record of disservice to society.
  - (d) He has a bad reputation of being rude, abusive and oppressive.
  - (e) He is morally sound.
87. Political parties and their candidates should be debarred from printing slanderous material, or use abusive language, against other political parties or their candidates, or use racial, sectarian or religious slogans or accuse each other of

being enemies of Pakistan and Islam. Candidature of those indulging in such activities should be cancelled.

88. All aspects relating to elections should be discussed in the print and electronic media and in seminars all over the country so that people evince keen interest in elections and the voters participate in elections in large numbers.
89. The voters should be given the right to recall their candidates in case they are not satisfied with their performance or they find them indulging in corruption, murder etc.
90. Election expenses should be reduced to the bare minimum in order to make elections an affordable exercise for the lower and middle classes. The limit on election expenses should be fixed at rupees 20,000/-.
91. Posters, billboards, neon signs, wall-chalking and advertisement in print and electronic media should be disallowed. Instead, it should be made the responsibility of the Election Commission to publish posters constituency-wise, giving the names of candidates, their election symbols and the names of their political parties, and displaying these outside the election offices and duly notified public places.
92. Only handbills and 4-8 page pamphlets should be allowed to be published by candidates for use during personal contacts with the voters in their constituencies.
93. The number of polling stations should be increased, and placed at easily accessible places so that the voters could walk down to them.
94. A total ban should be imposed on transporting voters to the polling stations on hired vehicles, and on offering food and soft drinks in polling camps, except plain water.
95. The number of polling stations should be increased, and placed at easily accessible places so that the voters could walk down to them.
96. The candidates and political parties should be provided with facilities to present their policies and programmes through the electronic media.
97. Persons polling fake votes should be arrested on the spot.
98. Candidates or their polling agents should not be arrested after the announcement of the election dates, except when

they commit a capital offence, so as to enable them to perform their work unhindered.

99. The ballot boxes should be of transparent material. The ballot boxes should remain in the view of the polling agents and should not be removed to another room. The counting should be done immediately after the closing of polls and the results announced immediately thereafter. It should be made mandatory for polling officers of each polling station, and the polling agents present, to sign the result-sheets, and copies of it should be given to the polling agents of candidates.
100. A consolidated list of the polling results of each constituency should be prepared by the Returning Officer of each constituency and sent thereafter to the Provincial Election Commissioners for onward transmission to the Chief Election Commissioner for final declaration of election results.
101. Only those candidates should be declared elected who have secured more than 50 per cent of the polled votes. To determine this, the elections should be held in two phases. The first phase of elections should be reserved to determine the eligibility of political parties and their candidates for participation in the second phase of elections. Those political parties which are unable to obtain 10 per cent of the total polled votes, and those candidates who do not attain the first two positions in the first phase should not be allowed to participate in the second final phase of elections. The holding of election in two phases is essential to establish true democratic character of the elections.
102. The Election Commission should publish a priced booklet on election rules and regulations for the guidance of election and polling agents.

## **PART 4: ELECTORAL REFORMS AS BASIS FOR A SOUND POLITICAL SYSTEM**

## **Present Situation**

At present 90 percent members of the assemblies are representatives of feudals and capitalists, who by establishing their social, economic, and political monopolies have laid the foundation of class-society in Pakistan. They have a strong hold over the political parties, and their representatives in these parties do not let them do any planning in favour of the people on democratic lines. These elements have also grasped state institutions. They acquire power and wealth through intrigues and machinations and do not allow the educated, capable and honest persons from amongst the lower and middle classes, who are in, absolute majority, to share power with them. They have kept the people poor, financially handicapped and uneducated with the help of the religious elite, so that they may remain ignorant about their rights, and do not stand up to secure these rights. During the last 56 years they have not used state power to solve the problems of the people.

The existent system of elections negates the severity of the people and their interests. This system prevents the establishment of a "people friendly welfare state" which raises standard of living of the poor. Democracy gives equal rights and status to all citizens and do not differentiate between them on the bases of color, race, religion and gender. Election is an instrument for changing the social economic and political systems so that, through it, the country's executives and judiciary may solve their problems in a proper manner and work jointly for the progress of the country.

We will have to highlight the national interests in the eyes of the people. For this purpose we will have to end national religious and sectarian prejudices and have to arrange a politics which is free from intolerance and despotism. If we love our country and are sincere with the nation, if we are desirous of our country's development and prosperity, if we want to have a good name amongst the family of nations and if we want to build our society on the bases of love, peace and human fraternity, we shall have to formulate the electoral system on the right lines.

## **The Aims of Elections**

The aims of elections should be determined on the following lines:

26. Ending the existing class-society.
27. Loosening the hold of the vested interests over state power.
28. Enabling all the people to utilize the means of production to the best of their ability, and to participate effectively in the development of society.
29. Bringing down disparity in incomes to the minimum level.
30. Enabling the rule of law and justice to prevail.

## **Basic Election reforms**

The following basic electoral reforms should be made

71. The life of the national and provincial assemblies should be reduced to 3 years and that of the Senate to 4 years.

72. The elections to the national and provincial assemblies should be held at the same time.
73. All elections should be held in two stages. The first phase should be reserved for determining eligibility of political parties and candidates for participation in the second and final phase. Those political parties, which are unable to obtain 20% of the votes polled, and those candidates who do not obtain the first two positions, should be disallowed to participate in the final phase of elections. The candidate getting the largest number of votes should be declared elected. The holding of elections in two phases is essential to establish the true democratic character of elections.
74. The election to the senate should be held on the basis of direct elections.
75. The seats of national and provincial assemblies should be increased in the ratio of one seat for a population of 3 lacs.
76. Election expenses should be reduced. No candidate should be allowed to spend more than Rs.20, 000.
77. The election commission should be made fully independent and self-sustained financially. Appointment of the Chief Election Commissioner should be made by consensus of all political parties and through the parliament.
78. The Election Commission should publish posters containing the names of the candidates and their political parties and election signs. It should not be done by the political parties.
79. The Election Commission should also arrange a full fledged campaign of mass awareness regarding elections in the print and electronic media
80. The voter's list should be revised yearly. The names of the dead and fake-voters should be removed, and names of those not listed and those who have reached the age of 18 years on 1<sup>st</sup> January should be added.
81. Only those political parties that have branches in all the provinces should be allowed to participate in the elections for the national assembly. Those parties having branches only in few provinces should only be allowed to take part in the elections of the provinces in which they have branches.
82. The independent candidates should not be allowed to participate in elections, because they damage the electoral process. They should instead be encouraged to join the political parties of their choice.
83. The electorate should be allowed to call back candidates of their constituencies who indulge in corruption and show bad performance.
84. Elections to the national and provincial assemblies and the local bodies should be held on party basis and joint electorate.

### **Essential steps for getting better results from elections.**

The following steps should be taken in this regard:

36. A three-month campaign should be made throughout the country by the election commission and political parties so that the importance of elections is

made evident and deep interest created in them so that they take part zealously in the elections and vote in large number.

37. The holding of elections every two years, and promotion of the concept of "collective leadership" should be made compulsory for political parties rather than hereditary or charismatic leadership. All political parties should be ordained to keep membership register and maintain regular accounts.
38. The political parties and their candidates should not be allowed to print and distribute slanderous material or use abusive language against other political parties or their candidates or to use racial, sectarian and religious slogans or accuse others for being enemies of Pakistan and Islam or issue decrease of infidelity against them. Candidature of such persons should be cancelled.
39. The number of polling stations should be increased and placed at central places to which most voters could walk down.
40. Party candidates should not be allowed to publish their photos on posters and billboards, to do wall chalking, give advertisements in print and electronic media and indulge in publicity through loudspeakers.
41. At the end of polling, the polling officer and polling agents representing various political parties should jointly sign the election result of that station, a copy of which should be given to the polling agents present, and should be pasted outside the polling station.
42. The Election Commission should publish a booklet on election rules for the guidance of polling agents, and give them to political parties and their candidates on payment.

## **The Criteria for Candidates**

The voters should poll their valuable vote only according to their conscience, and deliver their votes to the better person, to which ever political party he / she may belong, keeping in view the following criteria:

### **Vote only for such persons:**

31. Who is liked for his capability, service and good reputation, and is known as a good human being.
32. Who is educated, honest, of good character and truthful, and is service-minded.
33. Who is free from all kinds of prejudices, and treats all Pakistanis in a similar manner.
34. Who takes active part in social work and in solving the problems of the people.
35. Who is not involved in sectional and sectarian prejudices, and does not ask for votes in the name of *baradaris*.
36. Who is from the lower and middle classes.



**Do not vote for such persons:**

41. Who have unlawful incomes, who spend luxurious lives, and who indulge in immoral crimes, have been convicted for a moral turpitude, have bad reputation, indulge in smuggling and black marketing and is are professional criminals.
42. Who have changed their political loyalties to gain power and wealth.
43. Who have not grabbed others' properties.
44. Who are not involved in violence, pillage, exploitation and anti-state activities.
45. Who are tax-evaders.
46. Who purchase votes, oppress, threaten and indulge in ill practices.
47. Who uses the name of Islam for attaining self-interests and for gaining power?
48. Who has sided with the present military dictatorship.

If you elect wrong people for the assemblies, you will suffer worse conditions than the present, and will loose all your rights. After that you will forfeit your right to complain about the bad state of affairs.

## **PART 5: CORRESPONDENCE OF SAFDAR HASAN SIDDIQI ON HOLDING FAIR ELECTIONS**

### **FIRST LETTER**

Your article published in Dawn contains some very pertinent points that need to be registered before I proceed further. They are:

"Hold elections – all-embracing and absolutely fair and free. Let the electoral resolve the crises along with other long-pending vital issues that are gnawing at the foundations of state and society."

"Half the century has been lost and we have has long years of military rule/quasi-civilian rule and the undermining of the democratic process has been in progress."

"What is important is not the continuity of a government but the quality of governance."

The framer of the US Constitution James Wilson stated in 1787, "people may change the constitution whenever and however they please. This is a right which no positive institution can ever deprive them."

"Elections is peaceful and nationally recognized and is the acid test of a nation's coming of age and being able to deal with its problems."

"The people's collective wisdom ensures the return of such stalwarts and statesmen as could meet the need of the hour."

"Roosevelt, Winston Churchill, Charles de Gaulle and Konrad Adenauer were all duly elected leaders who were called to play their historical role in the most testing of times, yet none of them usurped power on the grounds of "national security."

"The 1973 Constitution is more centralized than the India Act 1935 or the 1956 Constitution. It gave 114 powers to the federation. This list must now be reduced to the barest minimum."

"What is important is the motive behind constitutional amendments. Ironically, all 17 amendments to the 1973 Constitution were made either to legitimize military rule (both direct and indirect) or to strengthen the executive at the cost of parliament, the judicature and the people's inherent civil and political rights. All over the democratic world, constitutional amendments are made to grant more political and civil rights to citizens."

The above quotations highlight the importance of the Constitution and the elections. Both the documents need extensive and incisive amendments. To start with the electoral reforms, I have prepared some proposals for guaranteeing free and fair elections, which I am sending you, as an attachment to this e-mail, for your perusal and appreciation. I would like to have your comments on these and would appreciate if you could improve on these. Please also give your postal address. My postal address is: 74/A-2 Abu Bakr Block, New Garden Town, Lahore. Mobile: 0302-4130307.

Yours truly,  
Safdar Hasan Siddiqi

## **SECOND LETTER**

Syed Afzal Haider  
Law Minister, Caretaker Government,  
Pakistan Secretariat, Islamabad.

Dear Sir,

As desired, I am sending herewith our proposals for holding free, fair and transparent elections. I hope you will find these proposals useful.

What matters most in this respect is the desire of those who hold power to enter into dialogue with the opposition parties, in the interest of the nation, and creation of a conducive atmosphere for fair elections.

I will be glad to serve you any further.

With regards and best wishes,

Yours truly,

Safdar Hasan Siddiqi  
Convener, Pakistan Jamhoori Tehreek

### **THIRD LETTER**

Qazi Muhammad Farooq,  
Chief Election Commissioner,  
Government of Pakistan,  
Pakistan Secretariat, Islamabad.

Dear Sir, Sub: Improving the Electoral System

I am pleased to send herewith a printed treatise on "Improving the Electoral System". It has been prepared by collective deliberations of the members of the Pakistan Progress Forum, which has been formed to prepare well researched papers on the important issues faced by the nation. The above treatise is the first of the series.

This treatise contains a detailed analysis of the drawbacks of the existing electoral system, and gives positive and workable suggestions for the improvement of the electoral rules. It also lays down concrete and viable proposals for the holding of free, fair and transparent elections.

Your Election Commission is requested to study this paper in depth, and analyze the various proposals given by us. We will appreciate if you were to give us point-by-point comments on the main proposals of our organization.

Kindly acknowledge receipt of this communication, which is in dire national interest.

With regards,  
Yours truly,  
Safdar Hasan Siddiqi  
Convener, Pakistan Progressive Forum

#### **FOURTH LETTER**

Dear Mr. Naeem Sadiq,

I have read your article in "The News" titled "Voter Education for Political Change" I agree with the following of your observations:

- 9) Soon we will be the victims of the same perennial candidates, same slogans, same promises and same disappointments. (if we do not exert to change the present electoral system).
- 10) The process of elections can be accelerated if the voters are more informed and have basic facts and characteristics of a contestant, so as to be able to make a considered voting decision.
- 11) 3) It is time to educate the voters to consider attitudes, competence, character, personal examples and the performance of the political leaders as the basic decision making parameters.
- 12) 4) Every politician contesting national or provincial assembly election must fill a specific form about his assets, capabilities and performance in the public field. (A better form could be made).

I would add some more requirements for ensuring free, fair and transparent elections, which I am e-mailing herewith  
Your well-considered comments on this draft are expected at an early date.

I propose that such persons who have sound ideas about holding purposeful elections should coordinate with one another for producing a consensus document. Such an effort, in my view, could only be successful if we do not stick to keeping intact the status quo. Instead we should pursue a long-term objective to change the current system itself and try to replace it with a just socio-economic system.

With regards,  
Safdar Hasan Siddiqi  
Convener, Pakistan Jamhoori Tehreek

## IMPROVING THE ELECTORAL SYSTEM

### **Pakistan Progressive Forum**

As a matter of fact, unless the Chief Election Commissioner of Pakistan is not made fully independent and is judicially empowered (as in India) there is no possibility of the elections being free, fair, and transparent, reflecting truly the will of the people – the ultimate sovereigns of their country. Every four or five years of the nation will thus be wasted in elections and the prevailing spurious system of governance will not be changed for the better.

We have given herewith in full detail, the proposals that can guarantee the holding of fair elections. Without bringing into effect these proposals, any elections will be fruitless and a sheer loss of nation's time, money and efforts.

It is desired that all leaders of public opinion, as well as the people at large, study these and pressurize the government to improve the Election Commission's set-up and the election rules accordingly before the next general elections are held.)

### **Premise**

The Electoral System is central to the democratic process, and its contemporary form and manifestations are shaped by the evolution experienced by the democratic societies during the 20<sup>th</sup> century. When we talk of democracy, holding of elections at the central, provincial, district, tehsil and local levels is an essential process for determining

effectiveness or otherwise of the democratic process. For a democratic set-up to be effective and fruitful, therefore, requires a guaranteed process of fair, free and transparent elections that reflects truly the will of the people at the various levels of society.

Having determined the importance of holding elections, we now turn towards the philosophy behind elections and the concept of democracy for any society. The basic logic upon which all articulations of the principle of democracy rests is that the Creator of the universe, whom we remember by various names has, in order to unfurl His scheme of life in the universe, created along with the universe its principal actor – the human being. Man has been endowed by the nature with all the requisite capabilities and resources that are required by him for creating and establishing a humane, cooperative, peaceful, progressive, creative, prosperous and fraternal society. The primary attributes of man in this respect such as sovereignty, ownership of the means of production and the authority to govern, have also been securely determined in this scheme.

The divine rule set for the serious game of life that thus emerges is that the only way to ascertain the will of God today is through true representatives of the people by enabling them to reach the decision-making and policy-making systems and assemblies through a fair and unfettered election process. To set up any other system of governance through intrigue and deceit, and by manipulating elections, amounts to revolting and arraying against God and the interests of the people. Adopting this kind of a negative mindset leads one to submit to personal and political interests, and resort to the artifice of claiming God's support in one's wrong doings, as is being done by the religious elite, the depraved politicians and the military dictators.

### **Raison d'être of Elections**

Before proceeding further it would be proper if we also go to provide a few arguments that would help in contributing towards awareness of the people, who are the true sovereigns and arbiters of Pakistan's destiny.

In order to make people knowledgeable and politically aware, to raise sound leadership from amongst them with the help of honest and upright intellectuals and to form a system of good governance on truly democratic lines is, of course, a difficult task. For this, a long distance will have to be traversed and some people will have to dedicate their lives for this tremendous work. But positive results will certainly accrue if this is done. As stipulated, elections are the foundation of democracy and the propellers

of social activity, and are necessary for building a vibrant society worth living in.

In order to get the best results from the election process, a string of strong arguments must be constructed and articulated. A few are given hereunder: -

1. It will be fruitless to take part in elections without changing the existing electoral system. Unless it is changed fundamentally, the exploitative class-system will continue to exist. Setting up of an independent Election Commission is a pre-requisite for fair elections.

2. Feudalists and capitalists have created the class system. Elections are an instrument of change of not only the government but also the economic, social and political systems so that the state administration, police, judiciary and other state institutions are enabled to solve people's problems in the right way, and work for the progress of the country.

3. The present electoral system negates sovereignty of the people and their interests. It is the biggest hurdle in the way of establishing a people-friendly welfare state. It is, therefore, wrong and deceitful to claim democracy without changing this system itself.

4. The feudalists and the capitalists have created the class-system. They belong to the upper classes and have a strong hold over state institutions. Their relationship with the ordinary people is that of rulers and the ruled. They grab power through intrigues and machinations during elections, and prevent the educated, capable and upright persons of the lower and middle classes from entering the assemblies and sharing power with them.

5. The jagirdars and big landlords, the dirty amongst the rich and the religious elite have kept the masses poor, weak and uneducated, deliberately and by design, so that they do not understand their rights and also do not generate in themselves the courage to demand their rights.

6. The vested interests procure votes during elections by threatening and overawing the voters, by tempting them with money and other favours and by involving them in racial, sectarian and religious prejudices and disputes. They have consolidated their hold on political parties and do not allow them to develop their polity on democratic lines.

7. Such vested interests have been using the party workers only to further their personal interests. Elections for party offices are not held, and accounts of party funds are not maintained regularly. Those alone are made office-bearers who serve their interests, and party funds are spent on personal projection.

8. During the last years most of the politicians have worked simply as agents of the establishment. They have not used state power to solve problems of the people but have instead used it to amass wealth. They have kept the people deprived of their inherent right to utilize the means of production, which they have kept in their own possession.
9. Democracy is based on the concept that all persons living in a country are owners of the land and other means of production of the country, and that governance is their basic right, which they exercise by sending their elected representatives to the assemblies. Democracy grants equal rights and social status to all citizens and does not discriminate between them on the basis of colour, race, religion and gender. It is sheer negation of democracy to create a class-society by establishing economic, social and political monopolies and vested interests.
10. The importance of national interest will have to be made manifest in the public eye by doing away with racial, class, religious and sectarian prejudices, and developing clean politics free from self-interest, intolerance and authoritarianism.
11. It is incumbent upon us to re-frame our electoral system on the right lines if we love our country and are well-wishers of the nation, if we desire prosperity of the country, if we want to safeguard our children's future and if we seek to build our society on the foundation of love, peace and fraternity.

### **Objectives of Elections**

The election process is an articulation of people's will, an act of choosing representatives, a mandate for political order and making governments of their choice as a means of making policies and selecting agendas for governance.

Having laid down the premises and *raison de e'ter* of elections, we now proceed to put forward clearly the objectives of election exercises. The first objective is that those who enter the assemblies should be true representatives of the people belonging mostly to the lower and middle classes, as these two classes represent a huge majority in the country, and that they should be educated, honest, capable, fully committed, and oriented towards collective gains. Only a serious and continuous democratic process, and the holding of political awareness programmes,



will ensure such welcome characteristics to emerge. In other words, it should be ensured that the representatives have been selected voluntarily by the people with their free will and without fear or greed or other systematic problems, that they have good understanding of people's problems, and that they have the will to change the existing rotten system of governance, and initiate socio-economic development process in order to bring into being a clean, creative, peaceful, progressive and democratic society. Political activists will have to undergo intensive training in this respect.

The second objective is that the polling of ballot papers should be kept totally free from the influences of money and other pressures, and that the candidates having good reputation, and engaged in useful social activities are not prevented from taking part in elections just because they do not have enough financial resources. A desire for cooperation with such candidates will have to be engendered among the electorate. In this connection the caste and *baradari* considerations will have to be abandoned.

The administration should also be rendered completely impartial in the electoral process. Manifest institutional arrangements in all branches of administration will also have to be made. Utter disregard of these two objectives in the elections, held ever since Pakistan came into being, and the undemocratic manner in which state policies and the state administration had been carried out during the past, have resulted in the sad state of affairs that we are confronted with today. This has happened because our focus has always been on individuals to deliver, and nothing has been thought, written and moved forward to let institutions be developed and sustained to determine the collective will. We have ignored those who corrupted and destroyed the institutions to an extent that all arrangements do not function as they should.

### **Targets of Elections**

Before we propose certain improvements in the electoral system and its rules, it would be proper, first of all, to fix the goals of elections. Those who are desirous of working for national development will have to acquaint themselves with the economic, political, social and cultural issues faced by the nation, and harness the knowledge thus gained to solve the problems of the masses. They should also train the people in rendering service to others and generating open-minded leadership. In order to be successful in

this pursuit, we will have to ensure the effectiveness, transparency, fairness and legitimacy of the election process, and then go on to make arrangements for creating awareness among the voters regarding the importance and meaning of elections for setting up good and effective governance system. The targets to be achieved should contain the following:

1. Ending the existing class-oriented society, and giving to the people the right of equal opportunity to utilize the means of production according to their capabilities, efforts, potentials and entitlements. The conditions to be created to facilitate the process for achieving this objective will have to be clearly laid down.

2. Loosening the hold of the vested interests over state power. This can only be done if we put our credibility on line and dare to suggest measures that will automatically direct us as a nation towards that cherished goal.

3. Devolving maximum power from the center to the provinces and local bodies. We need to make sure that local bodies do not become tools in the hands of fortune-seeking civil and military establishments. We should be serious to make the local body system work at the grassroots level and not become a tool in the hands of a central dictatorial authority. If the local body system can be improved, most of the common person's problems can be sorted out and solved.

### **Steps for Ensuring Free and Transparent Elections**

In order to make free and transparent elections certain, to remove pressures of the vested interests on voters and to enable them to use their votes in accordance with their conscience and in the best interest of the nation, the following steps need to be taken:

1. Elections should be held by a Caretaker Government, which should not include sitting ministers or their close relatives. The sitting government should resign three months before the date of elections.

2. Election Commission should be declared fully autonomous and should only be accountable to the Parliament. Its financial autonomy should also be ensured and guaranteed. The Chief Election Commissioner should be made permanent and also be given full administrative and judicial powers, as in India.

3. Setting up of an Independent Judiciary to ensure independence of the Election Commission. The judiciary should always stand by the election commission in the event of any differences between the Commission and the Government in power.

4. Taking political parties into confidence by the Election Commission for making election rules by seeking their proposals. Proposals may also be sought from the public. A proper record of these proposals should be kept.

5. Thoroughly discussing all aspects of election reforms in the print and electronic media, forums, and seminars all over the country, so that the people evince keen interest in elections before they are held, and the voters participate in the elections with zeal and fervour.

6. Courts should be authorized to make independent decisions without any pressure or fear of intimidation in order to uphold the fairness of the election process.

7. Voters should be authorized to call back their elected representatives, if they lose confidence and faith of the voters of their constituencies. The process of calling back should be formally defined in the Constitution and election rules.

8. Fixing Intermediate and Graduation as minimum educational qualification for candidates for the provincial and national assemblies respectively. But this could be a time-based measure that should not be adopted permanently.

14. Reducing the period of membership of provincial and national assemblies from 5 years to 3 years and that of senate members from 5 years to 4 years. These periods should remain till such time as people do not get politically educated sufficiently, and a good leadership does not become available to them. Training the voters, and continuous happening of transparent and impartial elections, will alone bring back the interest of voters in the electoral process.

10. Holding elections to the national and provincial assemblies on the same date.

16. Arranging direct elections to the senate while reserving seats for writers, journalists, educationists, men of learning and scientists, technocrats and men of learning, traders and industrialists, representatives of trade unions and *kissan* organizations. Seats should not be reserved separately for 'ulema', as Islam has not granted them any special institutional status as religious

leaders. They are free to contest elections as 'men of learning', or from general seats on party tickets or as independents.

12. Empowering Senate to take all decisions of national importance, and creating parity among provinces for making vital decisions, policies and laws of the country. The senate should be empowered to review the budget before it is passed by the National Assembly.

13. Disallowing indirect elections in Local Bodies elections. Elections by show of hands should also be prohibited.

19. Restoring the 1973 Constitution in its original form. Any future amendments to this Constitution should be made by the new truly democratically elected parliament.

15. Giving the right to voters to recall their candidates during their term of office on charges of corruption and inefficiency.

16. Reserving seats for women and religious minorities.

17. Merging the tribal areas and Northern Areas or joining them with other adjoining Provinces. Candidates from these areas should be given the right to vote. They should be elected rather than nominated by the *sardars*.

18. Giving in trusteeship by the state luminaries - the president, the prime minister and the chief ministers - of all their assets.

19. Setting up a permanent and fully empowered Accountability Commission, which will receive public complaints and take decisions thereon. It should also be authorized to take *suomoto* action against corrupt and incompetent persons. It should be ensured that such commission would not be a simple tool in the hands of the vested interest by making it administratively and financially independent. Selection of its chairperson should be done by the political parties in power as well as those in the opposition, and confirmation be made through the National Assembly.

21. Administrative Accountability Courts should also be established for administrative accountability of bureaucracy for corruption and dereliction of duty.

22. The voters' list should be computerized and cleared of all bogus voters, and their copies should be supplied to the registered political parties. All those voters whose names are printed in the voter's list should be allowed to vote. Identification of voters by means other than identity

cards should also be allowed. The system of challenging votes may be re-introduced

23. Elaborate arrangement should be made for revising the voters' list before the holding of elections. Votes of about 2 crore adults in private jails of jagirdars, should be enlisted. Votes of those living in the villages under the tutelage of *sardars* and big landlords, especially the women, who are not allowed by them to enlist as voters, should also be enlisted.

24. It should be mandatory for all elected governments to present all policies (economic, foreign, defense, education, finance commission etc.) to the Parliament and not make them through extra-parliamentary means. The process of issuing Ordinances should be discouraged, and such discretionary powers of the president should be curtailed.

25. Making it essential for political parties wanting to participate in elections for National Assembly to establish branches in all provinces. Those political parties which do not have branches in all the provinces, or have these in one or few provinces, should only be allowed to participate in the provincial elections of those provinces in which they have their branches. To promote unity in the country, only those parties should be allowed participation in elections for the national assembly that get minimum vote, say 5 percent from each province.

26. Making it mandatory for political parties to have internal democracy and collective-leadership in the party. Elections of all office-bearers should be made mandatory for political parties.

27. Government should give adequate funds to registered political parties, commensurate with the percentage of votes secured by them, for their office expenses.

28. Disallowing political parties and their candidates to print and distribute slanderous material or use abusive language against other political parties or their candidates or to use racial, sectarian or religious slogans, or accuse the other political party or candidate for being enemies of Pakistan or Islam, or issue decrees of infidelity against them. Candidature of those indulging in such activities should be cancelled. There is no difference of opinion about Islam being the ideology of Pakistan. Therefore, the word "Islam" should not be used as a political slogan in elections. Any slogans should be issue-oriented.

29. Political parties should make the following documents available to the Election Commission:

- (u) Party constitution and manifesto
- (v) List of members (province wise)
- (w) List of central and provincial office-bearers
- (x) Certification of the dates when the last party elections at the provincial and central levels were held.

30. Making it mandatory for political parties to provide the following documents and information about their candidates while submitting their nomination papers: -

- ee. Name, age, address and telephone number
- ff. Educational status
- gg. Annual income and value of personal assets
- hh. Amount of taxes paid, and value of unpaid taxes
- ii. Affidavits by the candidates to the effect that they have not been convicted under any criminal law and that no criminal cases are pending against them.
- jj. Holding elections at the national and provincial levels on party basis and on the basis of joint-electorate.

31. Arranging a 3-month long political awareness campaign for the people and voters through the Election Commission, for preparing them for effective participation in the elections.

32. Broadcasting dramas, specifically on elections on television and radio.

33. Limitation of constituencies should be done by keeping in view the convenience of voters and not according to the interests of certain candidates. It should be done with due consent of parties in opposition.

34. Final announcement of the constituencies should be done at least three months before the election date, and that of polling stations two months before elections.

35. The police and the administration should also be rendered completely impartial in the electoral process. Manifest institutional arrangements in all branches of administration will also have to be made.

### **Reducing Election Expenses and Improving Electoral Conduct Rules**

Specific steps should be taken to improve the electoral rules. The government should take positive and solid steps to lower election expenses so that persons with average income and resources could serve the nation through the

assemblies in a better way. It should also be ensured that all segments of the society get their due share in the power structure and thus get rid of the prevailing sense of indifference, by participating in the assembly proceedings fully and with fervour. The improvements suggested are:

51. Reducing the election expenses to the bare minimum in order to make elections an affordable exercise for the lower and middle classes, who have limited financial resources. The limit to election expenses should be fixed at Rs.20, 000/-.
52. Common places should be fixed within each constituency for holding election meetings / processions, in order to avoid any disturbances to public activity and to reduce cost on these activities.
53. Strict observance of Election Code of Conduct should be made, and the violators should be disqualified from taking part in elections.
54. Banning posters, billboards, neon-signs, banners, wall chalking and advertisements in print and electronic media. The Election Commission should instead publish posters constituency-wise giving names of candidates, names of their political parties and their election symbols. These should be pasted outside the election offices and displayed at notified public places, previously advertised.
55. Disallowing loudspeakers for electioneering campaign on vehicles. Loudspeakers should be restricted only to public meetings by political parties.
56. Allowing only handbills and 4-8 page pamphlets for introducing candidates to voters in their constituencies through door-to-door contacts.
57. Putting a total ban on transporting voters on hired vehicles on the polling day, and on offering food and soft drinks in polling camps.
58. Increasing the number of polling stations and placing these at central places, so as to enable voters to walk down to these stations with ease for tendering their votes.
59. Providing every candidate with one free copy of the electoral list of his / her constituency.
60. Providing the facility to political leaders of presenting their policies and programs through the electronic media, while giving them enough time therein.

## **Holding Elections in Two Phases**

Elections should be held in two phases. The first phase should be reserved for the determining eligibility of political parties and candidates for participation in the second and final phase. Those political parties, which are unable to obtain 10% of the votes polled, should not be allowed to participate in the final phase of elections. The parties should contest the first phase by issuing list of their candidates and declaring their manifestos. The candidates who do not obtain the first two positions in the first phase of elections should be disqualified to participate in the final phase of elections. Thus the candidate securing more than 50 per cent votes will be declared elected. The holding of elections in two phases is, therefore, essential to establish the true democratic character of elections.

## **Proportional Representation**

The system of proportional representation should not be adopted until such time as the political parties get well organized on truly democratic lines and the candidates become politically aware, educated, trained in political and social work and are keenly interested in taking part in elections. The number of mushroom political parties is also very large. The system of proportional representation could be progressively introduced in the light of the experience gained after holding a few elections on the basis of direct elections, and after the political parties become strong and small in number.

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## **STRATEGY REGARDING ELECTIONS**

10. To ask the voters to make it certain to tender their votes.
11. To approach the voters with the request to vote for the deserving candidates only
12. The criteria adopted for determining the eligibility of voters are:



- (a) He/she should have a good reputation in the constituency, and is actively engaged in social work.
  - (b) He/she is not convicted for criminal offence by the court.
  - (c) He/she is not a tax defaulter.
  - (d) He/she has not sided with a dictator in the previous government.
  - (e) He/she is good-natured and not self-centered and oppressive.
  - (f) He/she does not belong to a family having vested interests.
4. The political party desirous of securing the support of the voters should:
- (a) Have a manifesto and a work plan for its activities.
  - (b) Have a large membership, and has branches in most of the districts.
  - (c) Have a clear-cut programme for the education and health sectors, and can be depended upon for alleviation of poverty and unemployment, and provision of housing, and has the suitable infrastructure for carrying out this programme.
  - (d) Its candidates possess high qualifications and the skill to carry out the responsible job of running the government successfully.
  - (e) Have internal democracy in the party, the members are treated equally and the leadership consults them often.
5. Printed material in the form of a handbill should be printed and distributed widely, which contains an appeal to the electorate not to waste their valuable votes on unwanted candidates, and to resist any pressure.
6. A sufficient team of volunteers should be created to participate in the election process as polling agents. Not a single polling booth should remain without one or two polling agents, so that any attempt at tampering with the elections is immediately averted.
7. Any attempt to poll bogus vote, or any wrong action of the polling officer, should be brought to the notice of the local and foreign observers.
8. The top leaders of the political parties should address public gatherings in the main cities and large villages.

## **ROPOSALS FOR HOLDING FAIR, FREE AND TRANSPARENT ELECTIONS**

**Prior to the holding of elections, the following steps should be taken:**

1. The elections scheduled for January 8 should be postponed for two months and, in the meantime, a Caretaker Government and a fully independent, legally empowered and financially secured Election Commission should be formed by mutual consent of the government and opposition parties.

2. An atmosphere of goodwill and credence should be created between the ruling and opposition parties, in the interest of the country, for initiating dialogue between them in this regard because a democratic set-up, to be effective and fruitful, requires a guaranteed process of fair, free and transparent elections that may truly reflect the will of the people.

3. The emergency imposed on November 3 should be lifted and the PCO withdrawn. The Judges of the supreme and high courts should be immediately restored.

**The following targets should be fixed for good governance:**

37. Ending the existing class society and the status quo.
38. Loosening the hold of the vested interests over state power.
39. Enabling all the people to utilize the means of production to their benefit to the best of their ability, and to participate equally in the affairs of the state for developing the society.
40. Bringing down the disparity in incomes to the minimum level.
41. Removing poverty, allaying unemployment, arranging good education and health for the people.
42. 6. Enabling the rule of law and justice to prevail.

**The following steps should be taken, on a long-term basis, for good governance:**

37. Life of national and provincial assemblies should be reduced from 5 years to 4 years and that of the Senate from 6 to 5 years.
38. The number of seats of the national and provincial assemblies should be fixed at 1 seat for 3 lacs population.
39. Maximum powers should be devolved to the provinces from the federation.

40. A permanent and fully empowered Accountability Commission should be set up to receive public complaints and take decisions thereon, authorizing it to take *suomoto* action against corruption.
41. It should be made mandatory for political parties to have internal democracy and collective leadership rather than patrimonial leadership. They should also maintain membership registers and keep proper accounts. Their candidates for election should also be made to submit documents regarding their educational status, annual income, personal assets and the amounts paid as taxes and the value of unpaid taxes. Submission of affidavits to the effect that they have not been convicted under any criminal law should also be made mandatory
42. It should be made essential for political parties desiring participation in elections for the national assembly to have branches in all the provinces.
7. The candidates should not be allowed to stand from more than one constituency. The prevailing way of multiple constituencies should be discontinued.
8. Those having branches only in one or few provinces should only be allowed to  
take part in elections for the provinces in which they have branches.
27. Elections to the national and provincial assemblies should be held only on party basis and on the basis of joint-electorate.
28. Elections to the Senate should be held directly, while seats should be reserved for writers, journalists, scientists, technocrats, traders, industrialists, workers and *kissans*.
29. The 1973 Constitution should be restored to its original form because it has been disfigured beyond recognition by wrong amendments. Any useful amendments to the constitution could be made by a truly elected parliament.

**The following steps should be taken to ensure free, fair and transparent elections:**

103. In order to determine the credibility of the candidate the following criteria should be fixed:
  - (a) He is not convicted by a court of law for any criminal offence.
  - (b) He is not a tax-defaulter.

- (c) He does not have a bad record of disservice to society.
  - (d) He has a bad reputation of being rude, abusive and oppressive.
  - (e) He is morally sound.
104. Political parties and their candidates should be debarred from printing slanderous material, or use abusive language, against other political parties or their candidates, or use racial, sectarian or religious slogans or accuse each other of being enemies of Pakistan and Islam. Candidature of those indulging in such activities should be cancelled.
105. All aspects relating to elections should be discussed in the print and electronic media and in seminars all over the country so that people evince keen interest in elections and the voters participate in elections in large numbers.
106. The voters should be given the right to recall their candidates in case they are not satisfied with their performance or they find them indulging in corruption, murder etc.
107. Election expenses should be reduced to the bare minimum in order to make elections an affordable exercise for the lower and middle classes. The limit on election expenses should be fixed at rupees 20,000/-.
108. Posters, billboards, neon signs, wall-chalking and advertisement in print and electronic media should be disallowed. Instead, it should be made the responsibility of the Election Commission to publish posters constituency-wise, giving the names of candidates, their election symbols and the names of their political parties, and displaying these outside the election offices and duly notified public places.
109. Only handbills and 4-8 page pamphlets should be allowed to be published by candidates for use during personal contacts with the voters in their constituencies.
110. The number of polling stations should be increased, and placed at easily accessible places so that the voters could walk down to them.
111. A total ban should be imposed on transporting voters to the polling stations on hired vehicles, and on offering food and soft drinks in polling camps, except plain water.

112. The number of polling stations should be increased, and placed at easily accessible places so that the voters could walk down to them.
113. The candidates and political parties should be provided with facilities to present their policies and programmes through the electronic media.
114. Persons polling fake votes should be arrested on the spot.
115. Candidates or their polling agents should not be arrested after the announcement of the election dates, except when they commit a capital offence, so as to enable them to perform their work unhindered.
116. The ballot boxes should be of transparent material. The ballot boxes should remain in the view of the polling agents and should not be removed to another room. The counting should be done immediately after the closing of polls and the results announced immediately thereafter. It should be made mandatory for polling officers of each polling station, and the polling agents present, to sign the result-sheets, and copies of it should be given to the polling agents of candidates.
117. A consolidated list of the polling results of each constituency should be prepared by the Returning Officer of each constituency and sent thereafter to the Provincial Election Commissioners for onward transmission to the Chief Election Commissioner for final declaration of election results.
118. Only those candidates should be declared elected who have secured more than 50 per cent of the polled votes. To determine this, the elections should be held in two phases. The first phase of elections should be reserved to determine the eligibility of political parties and their candidates for participation in the second phase of elections. Those political parties which are unable to obtain 10 per cent of the total polled votes, and those candidates who do not attain the first two positions in the first phase should not be allowed to participate in the second final phase of elections. The holding of election in two phases is essential to establish true democratic character of the elections.

119. The Election Commission should publish a priced booklet on election rules and regulations for the guidance of election and polling agents.

Safdar Hasan Siddiqi'  
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December 5, 2007.  
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## **SALIENT FEATURES OF ELECTORAL REFORMS**

Safdar Hasan Siddiqi

A democratic setup to be effective and fruitful requires a guaranteed process of fair, free and transparent elections that may reflect truly the will of the people at the various levels of society.

### **Targets of Elections**

16. Ending the existing class society.
17. Loosening the hold of the vested interests over state power.
18. Enabling all the people to utilize the means of production to the best of their ability, and to participate effectively in the development of society.
19. Bringing down the disparity in incomes to the minimum level.
20. Enabling the rule of law and justice to prevail.

### **Essential Steps for Better Results Through Elections**

79. Making the Election Commission fully independent and financially secure, and giving it judicial powers. Appointment of the Chief Election Commissioner to be made by the National Assembly.
80. Reducing the life of national and provincial assemblies from 4 to 3 years and that of the Senate from 6 to 4 years.
81. Increasing the seats of the national and provincial assemblies in the ratio of 1 seat for 3 lacs population.
82. Devolving maximum power from the federation to the provinces and local bodies.

83. Setting up a permanent and fully empowered Accountability Commission to receive public complaints and take decisions thereon, authorizing it to take *suomoto* action against corrupt and inefficient people.
84. Making it essential for political parties desiring participation in elections for the national assembly to establish branches in all the provinces. Those having branches only in the provinces should be allowed to take part only in the elections of the province/provinces in which they have branches..
85. Making it mandatory for political parties to have internal democracy and collective leadership, rather than personal or patrimonial leadership. They should also maintain membership registers and keep proper accounts. Also making it mandatory on their candidates to submit documents regarding the educational status, annual income, personal assets, the amount of taxes paid and value of unpaid taxes. Submission of affidavits to the effect that they have not been convicted under any criminal law and that no criminal case is pending against him in any court, should also be made obligatory.
86. Disallowing political parties and their candidates to print and distribute slanderous material, or use abusive language, against other political parties or their candidates or use racial, sectarian or religious slogans, or accuse others of being enemies of Pakistan and Islam. The word "Islam" should not be used as a political slogan in elections. Candidature of those indulging in such activities should be made liable to cancellation.
87. Disallowing independent candidates from participating in elections as they contribute to de-stabilizing governments.
88. Thoroughly discussing all aspects relating to elections in print and electronic media and in seminars all over the country, so that people come to evince keen interest in elections and the voters participate in elections with zeal and in large numbers.
89. Holding elections at the national and provincial levels on party basis and on the basis of joint electorate.
90. Giving in trusteeship by the state luminaries—the President, the Prime Minister and the Chief Ministers—of all their assets.
91. Arranging direct elections to the Senate while reserving seats for writers, journalists, scientists, technocrats, traders, industrialists, workers and *kissans*.

92. Giving the right to voters to recall their candidates in the assemblies in case they are not performing their duties well or are indulging in corruption, murder etc.
93. Broadcasting dramas and scripts on elections through television and radio.
94. Reducing election expenses to the bare minimum in order to make elections an affordable exercise for the lower and middle classes. The limit to election expenses should be fixed at Rs. 20,000/-.
95. Banning posters, billboards, neon signs, banners, wall chalking and advertisements in print and electronic media. Instead, the Election Commission should publish posters constituency-wise giving the names of candidates, their election symbols and names of their political parties, and these should be displayed pasted outside the election offices and duly notified public places.
96. Allowing only handbills and 4-8 page pamphlets to candidates for introducing themselves directly to the voters in their constituencies.
97. Putting a total ban on transporting voters to the polling booths on hired vehicles, and on offering food and soft drinks in the polling camps.
98. Increasing the number of polling stations and placing them at central places to facilitate voters.
99. Providing candidates and political parties with the facility to present their policies and programs through the electronic media.
100. Making it mandatory for polling officers and polling agents to sign the count-sheets at the polling stations. A countersigned copy of the count-sheet should be given to the polling agents present.
101. Arresting immediately persons polling fake ballot papers. Also immediately dismissing and blacklisting any member of the polling staff found indulging in canvassing etc. in favour of any candidate.
102. Not arresting candidates or their polling agents on fake charges after the announcement of election dates to enable them to perform their work unhindered.
103. Publishing a priced booklet on election rules and procedure by the Election Commission for the guidance of election and polling agents.
104. Restoring the 1973 Constitution to its original form at the time of its framing. Any amendments to this Constitution should be made



by a truly elected parliament under free, fair and transparent elections under the new rules.

### ***Holding Elections in Two Phases***

The first phase of elections should be reserved for determining the eligibility of political parties and their candidates for participation in the second and final phase of elections. Those political parties, which are unable to obtain 10 per cent of the total votes polled, and those candidates who fail to attain the first two positions in the first phase, should be disallowed to participate in the second phase of elections. Only those candidates should be declared elected who obtain more than fifty per cent votes. The holding of elections in two phases is essential to establish the true democratic character of elections.

### **The Prevailing Political Situation**

The feudalists and capitalists have monopolized their hold on the means of production, and have created a class society in Pakistan by establishing economic, social and political monopolies. These vested interests have consolidated their hold on political parties and do not allow them to develop their polity on democratic lines. They have also consolidated their hold over state institution. They grab power and wealth through intrigues and machinations during fake elections, and prevent the educated, capable, sincere and honest persons belonging to the lower and middle classes from entering the assemblies and sharing power with them. They, with the connivance of the religious elite, have deliberately, and by design, kept the masses poor, weak and uneducated so as to disable them from understanding their rights and standing up for their realization. They have been using party workers only to further their personal interests. Those alone are made office-bearers who serve their interests, and party funds are spent on personal projection. During the last 56 years they have not used state power to solve the problems of the people. They have kept the people deprived of their right to utilize the means of production of the country.

The present electoral system negates sovereignty of the people and their interests. It is the biggest hurdle in the way of establishing a people-friendly welfare state devoted to raising the standard of living of the poor. Democracy grants equal rights and status to all citizens and does not discriminate between them on the basis of color, race, religion and gender. The present anti-people system will, therefore, have to be changed. Elections are an instrument of changing not only the government but also the economic, social and political systems so that the state administration, the police and the judiciary are enabled to solve problems in the right way, and work whole-heartedly for the progress of the country.

The importance of the national interest will have to be made manifest in the public eye by doing away with racial, religious and sectarian prejudices, and by developing clean politics free from self-interest, intolerance and authoritarianism. If we love our country, if we are well-wishers of the nation, if we desire prosperity of the country and a good name in the comity of nations, if we want to safeguard our children's future, and if we seek to build our society on the foundation of love, peace and human fraternity, it is incumbent upon us to reframe our electoral system on the right lines.

June 12, 2005.

## **FAIR ELECTIONS, THE ONLY WAY OUT**

Your article published in Dawn contains some very pertinent points that need to be registered before I proceed further. They are:

"Hold elections – all-embracing and absolutely fair and free. Let the electoral resolve the crises along with other long-pending vital issues that are gnawing at the foundations of state and society."

"Half the century has been lost and we have has long years of military rule/quasi-civilian rule and the undermining of the democratic process has been in progress."

"What is important is not the continuity of a government but the quality of governance."

The framer of the US Constitution James Wilson stated in 1787, "people may change the constitution whenever and however they please. This is a right which no positive institution can ever deprive them."

"Elections is peaceful and nationally recognized and is the acid test of a nation's coming of age and being able to deal with its problems."

"The people's collective wisdom ensures the return of such stalwarts and statesmen as could meet the need of the hour."

"Roosevelt, Winston Churchill, Charles de Gaulle and Konrad Adenauer were all duly elected leaders who were called to play their historical role in the most testing of times, yet none of them usurped power on the grounds of "national security."

"The 1973 Constitution is more centralized than the India Act 1935 or the 1956 Constitution. It gave 114 powers to the federation. This list must now be reduced to the barest minimum."

"What is important is the motive behind constitutional amendments. Ironically, all 17 amendments to the 1973 Constitution were made either to legitimize military rule (both direct and indirect) or to strengthen the executive at the cost of parliament, the judicature and the people's inherent civil and political rights. All over the democratic world, constitutional amendments are made to grant more political and civil rights to citizens."

The above quotations highlight the importance of the Constitution and the elections. Both the documents need extensive and incisive amendments. To start with the electoral reforms, I have prepared some proposals for guaranteeing free and fair elections, which I am sending you, as an attachment to this e-mail, for your perusal and appreciation. I would like to have your comments on these and would appreciate if you could improve on these. Please also give your postal address. My postal address is: 74/A-2 Abu Bakr Block, New Garden Town, Lahore. Mobile: 0302-4130307.

Yours truly,  
Safdar Hasan Siddiqi

**ELECTORAL REFORMS  
VIEWPOINT OF PAKISTAN JEMHOORI TEHREEK**

## **Present Situation**

At present 90 percent members of the assemblies are representatives of feudals and capitalists, who by establishing their social, economic, and political monopolies have laid the foundation of class-society in Pakistan. They have a strong hold over the political parties, and their representatives in these parties do not let them do any planning in favour of the people on democratic lines. These elements have also grasped state institutions. They acquire power and wealth through intrigues and machinations and do not allow the educated, capable and honest persons from amongst the lower and middle classes, who are in, absolute majority, to share power with them. They have kept the people poor, financially handicapped and uneducated with the help of the religious elite, so that they may remain ignorant about their rights, and do not stand up to secure these rights. During the last 56 years they have not used state power to solve the problems of the people.

The existent system of elections negates the severity of the people and their interests. This system prevents the establishment of a "people friendly welfare state" which raises standard of living of the poor. Democracy gives equal rights and status to all citizens and do not differentiate between them on the bases of color, race, religion and gender. Election is an instrument for changing the social economic and political systems so that, through it, the country's executives and judiciary may solve their problems in a proper manner and work jointly for the progress of the country.

We will have to highlight the national interests in the eyes of the people. For this purpose we will have to end national religious and sectarian prejudices and have to arrange a politics which is free from intolerance and despotism. If we love our country and are sincere with the nation, if we are desirous of our country's development and prosperity, if we want to have a good name amongst the family of nations and if we want to build our society on the bases of love, peace and human fraternity, we shall have to formulate the electoral system on the right lines.

## **The Aims of Elections**

The aims of elections should be determined on the following lines:

31. Ending the existing class-society.
32. Loosening the hold of the vested interests over state power.
33. Enabling all the people to utilize the means of production to the best of their ability, and to participate effectively in the development of society.
34. Bringing down disparity in incomes to the minimum level.
35. Enabling the rule of law and justice to prevail.

### **Basic Election reforms**

The following basic electoral reforms should be made

85. The life of the national and provincial assemblies should be reduced to 3 years and that of the Senate to 4 years.
86. The elections to the national and provincial assemblies should be held at the same time.
87. All elections should be held in two stages. The first phase should be reserved for determining eligibility of political parties and candidates for participation in the second and final phase. Those political parties, which are unable to obtain 20% of the votes polled, and those candidates who do not obtain the first two positions, should be disallowed to participate in the final phase of elections. The candidate getting the largest number of votes should be declared elected. The holding of elections in two phases is essential to establish the true democratic character of elections.
88. The election to the senate should be held on the basis of direct elections.
89. The seats of national and provincial assemblies should be increased in the ratio of one seat for a population of 3 lacs.
90. Election expenses should be reduced. No candidate should be allowed to spend more than Rs.20, 000.
91. The election commission should be made fully independent and self-sustained financially. Appointment of the Chief Election Commissioner should be made by consensus of all political parties and through the parliament.

92. The Election Commission should publish posters containing the names of the candidates and their political parties and election signs. It should not be done by the political parties.
93. The Election Commission should also arrange a full fledged campaign of mass awareness regarding elections in the print and electronic media
94. The voter's list should be revised yearly. The names of the dead and fake- voters should be removed, and names of those not listed and those who have reached the age of 18 years on 1<sup>st</sup> January should be added.
95. Only those political parties that have branches in all the provinces should be allowed to participate in the elections for the national assembly. Those parties having branches only in few provinces should only be allowed to take part in the elections of the provinces in which they have branches.
96. The independent candidates should not be allowed to participate in elections, because they damage the electoral process. They should instead be encouraged to join the political parties of their choice.
97. The electorate should be allowed to call back candidates of their constituencies who indulge in corruption and show bad performance.
98. Elections to the national and provincial assemblies and the local bodies should be held on party basis and joint electorate.

### **Essential steps for getting better results from elections.**

The following steps should be taken in this regard:

43. A three-month campaign should be made throughout the country by the election commission and political parties so that the importance of elections is made evident and deep interest created in them so that they take part zealously in the elections and vote in large numbers.
44. The holding of elections every two years, and promotion of the concept of "collective leadership" should be made compulsory for political parties rather than hereditary or charismatic leadership.

All political parties should be ordained to keep membership register and maintain regular accounts.

45. The political parties and their candidates should not be allowed to print and distribute slanderous material or use abusive language against other political parties or their candidates or to use racial, sectarian and religious slogans or accuse others for being enemies of Pakistan and Islam or issue decrease of infidelity against them. Candidature of such persons should be cancelled.
46. The number of polling stations should be increased and placed at central places to which most voters could walk down.
47. Party candidates should not be allowed to publish their photos on posters and billboards, to do wall chalking, give advertisements in print and electronic media and indulge in publicity through loudspeakers.
48. At the end of polling, the polling officer and polling agents representing various political parties should jointly sign the election result of that station, a copy of which should be given to the polling agents present, and should be pasted out side the polling station.
49. The Election Commission should publish a booklet on election rules for the guidance of polling agents, and give them to political parties and their candidates on payment.

## **The Criteria for Candidates**

The voters should poll their valuable vote only according to their conscience, and deliver their votes to the better person, to which ever political party he / she may belong, keeping in view the following criteria:

### **Vote only for such persons:**

37. Who is liked for his capability, service and good reputation, and is known as a good human being.
38. Who is educated, honest, of good character and truthful, and is service-minded.
39. Who is free from all kinds of prejudices, and treats all Pakistanis in a similar manner.

40. Who takes active part in social work and in solving the problems of the people.
41. Who is not involved in sectional and sectarian prejudices, and does not ask for votes in the name of *baradaris*.
42. Who is from the lower and middle classes.

**Do not vote for such persons:**

49. Who have unlawful incomes, who spend luxurious lives, and who indulge in immoral crimes, have been convicted for a moral turpitude, have bad reputation, indulge in smuggling and black marketing and is are professional criminals.
50. Who have changed their political loyalties to gain power and wealth.
51. Who have not grabbed others' properties.
52. Who are not involved in violence, pillage, exploitation and anti-state activities.
53. Who are tax-evaders.
54. Who purchase votes, oppress, threaten and indulge in ill practices.
55. Who uses the name of Islam for attaining self-interests and for gaining power?
56. Who has sided with the present military dictatorship.

If you elect wrong people for the assemblies, you will suffer worse conditions than the present, and will loose all your rights. After that you will forfeit your right to complain about the bad state of affairs.

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**DEMOCRACY ON THE MOVE**



# **PAKISTAN'S NEED FOR A NEW ELECTORAL SYSTEM**

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## **PART 1: IMPORTANCE OF FAIR ELECTIONS**

### **HOW TO ACHIEVE TRANSPARENT ELECTIONS?**

The objective of elections, among other things, should be to loosen the hold of the vested interests over state power, ending the existing class-oriented society and the hold of a few over the means of production and devolving maximum power from the center to the provinces and local bodies.

It is imperative that a plane level field is provided to all political parties, and no restrictions, whatsoever, are laid on leaders of any political party for participation in elections, if democracy is to play an effective role in the in the social, political and economic spheres of the country. Unless fair elections are ensured in every way in Pakistan, there is no chance for democracy to establish itself and flourish.

It is essential to ensure free elections through 3-month-long large-scale dissemination among the people at the lower and middle strata of society of the requisites for fair elections, by the Election Commission and the political parties, in order to prepare them for their effective participation in elections.

These requisites are:

176) Making elections very much less expensive by (a) banning the use of banners, bill-boards, neon-signs, print and TV adds and wall-chalking, and by substantially reducing the election fee so as to enable candidates from the lower income groups to be elected for assemblies and all segments of society could get due share in the power structure.

177) Reducing election expenses to Rs. 20,000.

178) Allocating common places in each constituency for holding election meetings.

- 179) Making obligatory strict observation of Code of Conduct for elections, and disqualifying violators from taking part in elections.
- 180) Publishing by the Election Commission of constituency-wise posters giving names of candidates and their political parties along with their election symbols, and displaying them at notified public places and outside the election offices and polling stations.
- 181) Banning the use of loudspeakers for election campaigning on vehicles, restricting their use to public meetings.
- 182) Allowing only handbills and 4-page pamphlets for introducing candidates in their constituencies in door-to-door campaigns.
- 183) Disallowing transportation of voters in hired vehicles on the polling day, and serving food and soft drinks in polling camps.
- 184) Increasing number of polling stations and placing them at central places for voters' convenience. One polling station for not more than five thousand voters be set up. The seats in the provincial and central assemblies should be increased accordingly
- 185) Provision of facilities to political parties for placing their policies and programmes before the electorate through television and radio.
- 186) Authorization of voters of all constituencies to call back any elected candidate who loses confidence of the electors after one year's performance.
- 187) Disallowing political parties and their candidates from printing and distributing slanderous material, and use abusive language against other political parties and candidates.
- 188) Disallowing use of religious slogans during election campaigns. Allowing expression of views with reference to public issues only.
- 189) Broadcasting unbiased election related dramas on radio and television by the Election Commission.
- 190) Computerizing the Voters' list and clearing it of all bogus voters, and supplying copies to all registered political parties.
- 191) Allowing all voters entered in the voters' list to vote, and allowing identification of voters by means of other than identity cards such as passports, driving license, tax registration numbers.
- 192) Revising the electoral list every year, and adding 2 crore voters in private jails of jagirdars and those living in the villages under the tutelage sardars and big landlords, especially the women who are not allowed by them to get themselves enlisted as voters.

- 193) Making obligatory the election of all office-bearers of political parties.
- 194) Giving funds by the state to registered political parties according to the percent of votes secured by political parties in the last elections.
- 195) Holding elections by a caretaker government that would not include members of the sitting government or their close relatives, and formed by consensus of the contesting parties.
- 196) Re-constituting the Election Commission and making it fully independent in administrative, legal and financial powers, not appointed by the incumbent government but with the consent of the opposition.
- 197) Making the judiciary fully independent of the PCO, making the members of the judiciary take a fresh oath on the original 1973 Constitution.
- 198) Holding elections in two phases for enabling candidates securing more than 50 per cent of polled votes to be declared elected. Allowing only the first two candidates securing the highest number of votes to take part in the second round.
- 199) Fixing the period for national and provincial assemblies at 4 years and that of the Senate at 6 years
- 200) Holding election to the Senate on the basis of direct elections.

Unless the above requisites are secured the possibility of holding fair elections is bleak.

Considered comments on the above proposals by you is solicited within one week. It will assist us in starting a campaign for holding transparent elections, which is a sine qua non for good governance. It will be appreciated if you will amend these proposals or add some more.

## **PART 2: IMPROVING THE ELECTORAL SYSTEM**

(As a matter of fact, unless the Chief Election Commissioner of Pakistan is not made fully independent and is judicially empowered (as in India) there is no possibility of the elections being free, fair, and transparent, reflecting

truly the will of the people – the ultimate sovereigns of their country. Every four or five years of the nation will thus be wasted in elections and the prevailing spurious system of governance will not be changed for the better.

We have given herewith in full detail, the proposals that can guarantee the holding of fair elections. Without bringing into effect these proposals, any elections will be fruitless and a sheer loss of nation's time, money and efforts.

It is desired that all leaders of public opinion, as well as the people at large, study these and pressurize the government to improve the Election Commission's set-up and the election rules accordingly before the next general elections are held.)

## **Premise**

The Electoral System is central to the democratic process, and its contemporary form and manifestations are shaped by the evolution experienced by the democratic societies during the 20<sup>th</sup> century. When we talk of democracy, holding of elections at the central, provincial, district, tehsil and local levels is an essential process for determining effectiveness or otherwise of the democratic process. For a democratic set-up to be effective and fruitful, therefore, requires a guaranteed process of fair, free and transparent elections that reflects truly the will of the people at the various levels of society.

Having determined the importance of holding elections, we now turn towards the philosophy behind elections and the concept of democracy for any society. The basic logic upon which all articulations of the principle of democracy rests is that the Creator of the universe, whom we remember by various names has, in order to unfurl His scheme of life in the universe, created along with the universe its principal actor – the human being. Man has been endowed by Nature with all the requisite capabilities and resources that are required by him for creating and establishing a humane, cooperative, peaceful, progressive, creative, prosperous and fraternal society. The primary attributes of man in this respect such as sovereignty, ownership of the means of production and the authority to govern, have also been securely determined in this scheme.

The divine rule set for the serious game of life that thus emerges is that the only way to ascertain the will of God today is through true

representatives of the people by enabling them to reach the decision-making and policy-making systems and assemblies through a fair and unfettered election process. To set up any other system of governance through intrigue and deceit, and by manipulating elections, amounts to revolting and arraying against God and the interests of the people. Adopting this kind of a negative mindset leads one to submit to personal and political interests, and resort to the artifice of claiming God's support in one's wrong doings, as is being done by the religious elite, the depraved politicians and the military dictators.

### **Raison d'être of Elections**

Before proceeding further it would be proper if we also go to provide a few arguments that would help in contributing towards awareness of the people, who are the true sovereigns and arbiters of Pakistan's destiny.

In order to make people knowledgeable and politically aware, to raise sound leadership from amongst them with the help of honest and upright intellectuals and to form a system of good governance on truly democratic lines is, of course, a difficult task. For this, a long distance will have to be traversed and some people will have to dedicate their lives for this tremendous work. But positive results will certainly accrue if this is done. As stipulated, elections are the foundation of democracy and the propellers of social activity, and are necessary for building a vibrant society worth living in.

In order to get the best results from the election process, a string of strong arguments must be constructed and articulated. A few are given hereunder: -

1. It will be fruitless to take part in elections without changing the existing electoral system. Unless it is changed fundamentally, the exploitative class-system will continue to exist. Setting up of an independent Election Commission is a pre-requisite for fair elections.
2. Feudalists and capitalists have created the class system. Elections are an instrument of change of not only the government but also the economic, social and political systems so that the state administration, police, judiciary and other state institutions are enabled to solve people's problems in the right way, and work for the progress of the country.
3. The present electoral system negates sovereignty of the people and their interests. It is the biggest hurdle in the way of establishing a people-

friendly welfare state. It is, therefore, wrong and deceitful to claim democracy without changing this system itself.

4. The feudalists and the capitalists have created the class-system. They belong to the upper classes and have a strong hold over state institutions. Their relationship with the ordinary people is that of rulers and the ruled. They grab power through intrigues and machinations during elections, and prevent the educated, capable and upright persons of the lower and middle classes from entering the assemblies and sharing power with them.

5. The jagirdars and big landlords, the dirty amongst the rich and the religious elite have kept the masses poor, weak and uneducated, deliberately and by design, so that they do not understand their rights and also do not generate in themselves the courage to demand their rights.

6. The vested interests procure votes during elections by threatening and overawing the voters, by tempting them with money and other favours and by involving them in racial, sectarian and religious prejudices and disputes. They have consolidated their hold on political parties and do not allow them to develop their polity on democratic lines.

7. Such vested interests have been using the party workers only to further their personal interests. Elections for party offices are not held, and accounts of party funds are not maintained regularly. Those alone are made office-bearers who serve their interests, and party funds are spent on personal projection.

8. During the last years most of the politicians have worked simply as agents of the establishment. They have not used state power to solve problems of the people but have instead used it to amass wealth. They have kept the people deprived of their inherent right to utilize the means of production, which they have kept in their own possession.

9. Democracy is based on the concept that all persons living in a country are owners of the land and other means of production of the country, and that governance is their basic right, which they exercise by sending their elected representatives to the assemblies. Democracy grants equal rights and social status to all citizens and does not discriminate between them on the

basis of colour, race, religion and gender. It is sheer negation of democracy to create a class-society by establishing economic, social and political monopolies and vested interests.

10. The importance of national interest will have to be made manifest in the public eye by doing away with racial, class, religious and sectarian

prejudices, and developing clean politics free from self-interest, intolerance and authoritarianism.

11. It is incumbent upon us to re-frame our electoral system on the right lines if we love our country and are well-wishers of the nation, if we desire prosperity of the country, if we want to safeguard our children's future and if we seek to build our society on the foundation of love, peace and fraternity.

### **Objectives of Elections**

The election process is an articulation of people's will, an act of choosing representatives, a mandate for political order and making governments of their choice as a means of making policies and selecting agendas for governance.

Having laid down the premises and *raison de e'ter* of elections, we now proceed to put forward clearly the objectives of election exercises. The first objective is that those who enter the assemblies should be true representatives of the people belonging mostly to the lower and middle classes, as these two classes represent a huge majority in the country, and that they should be educated, honest, capable, fully committed, and oriented towards collective gains. Only a serious and continuous democratic process, and the holding of political awareness programmes, will ensure such welcome characteristics to emerge. In other words, it should be ensured that the representatives have been selected voluntarily by the people with their free will and without fear or greed or other systematic problems, that they have good understanding of people's problems, and that they have the will to change the existing rotten system of governance, and initiate socio-economic development process in order to bring into being a clean, creative, peaceful, progressive and democratic society. Political activists will have to undergo intensive training in this respect.

The second objective is that the polling of ballot papers should be kept totally free from the influences of money and other pressures, and that the candidates having good reputation, and engaged in useful social activities are not prevented from taking part in elections just because they do not have enough financial resources. A desire for cooperation with such candidates will have to be engendered among the electorate. In this

connection the caste and *baradari* considerations will have to be abandoned.

The administration should also be rendered completely impartial in the electoral process. Manifest institutional arrangements in all branches of administration will also have to be made. Utter disregard of these two objectives in the elections, held ever since Pakistan came into being, and the undemocratic manner in which state policies and the state administration had been carried out during the past, have resulted in the sad state of affairs that we are confronted with today. This has happened because our focus has always been on individuals to deliver, and nothing has been thought, written and moved forward to let institutions be developed and sustained to determine the collective will. We have ignored those who corrupted and destroyed the institutions to an extent that all arrangements do not function as they should.

### **Targets of Elections**

Before we propose certain improvements in the electoral system and its rules, it would be proper, first of all, to fix the goals of elections. Those who are desirous of working for national development will have to acquaint themselves with the economic, political, social and cultural issues faced by the nation, and harness the knowledge thus gained to solve the problems of the masses. They should also train the people in rendering service to others and generating open-minded leadership. In order to be successful in this pursuit, we will have to ensure the effectiveness, transparency, fairness and legitimacy of the election process, and then go on to make arrangements for creating awareness among the voters regarding the importance and meaning of elections for setting up good and effective governance system. The targets to be achieved should contain the following:

1. Ending the existing class-oriented society, and giving to the people the right of equal opportunity to utilize the means of production according to their capabilities, efforts, potentials and entitlements. The conditions to be created to facilitate the process for achieving this objective will have to be clearly laid down.

2. Loosening the hold of the vested interests over state power. This can only be done if we put our credibility on line and dare to suggest measures that will automatically direct us as a nation towards that cherished goal.



3. Devolving maximum power from the center to the provinces and local bodies. We need to make sure that local bodies do not become tools in the hands of fortune-seeking civil and military establishments. We should be serious to make the local body system work at the grassroots level and not become a tool in the hands of a central dictatorial authority. If the local body system can be improved, most of the common person's problems can be sorted out and solved.

### **Steps for Ensuring Free and Transparent Elections**

In order to make free and transparent elections certain, to remove pressures of the vested interests on voters and to enable them to use their votes in accordance with their conscience and in the best interest of the nation, the following steps need to be taken:

1. Elections should be held by a Caretaker Government, which should not include sitting ministers or their close relatives. The sitting government should resign three months before the date of elections.

2. Election Commission should be declared fully autonomous and should only be accountable to the Parliament. Its financial autonomy should also be ensured and guaranteed. The Chief Election Commissioner should be made permanent and also be given full administrative and judicial powers, as in India.

3. Setting up of an Independent Judiciary to ensure independence of the Election Commission. The judiciary should always stand by the election commission in the event of any differences between the Commission and the Government in power.

4. Taking political parties into confidence by the Election Commission for making election rules by seeking their proposals. Proposals may also be sought from the public. A proper record of these proposals should be kept.

5. Thoroughly discussing all aspects of election reforms in the print and electronic media, forums, and seminars all over the country, so that the people evince keen interest in elections before they are held, and the voters participate in the elections with zeal and fervour.

6. Courts should be authorized to make independent decisions without any pressure or fear of intimidation in order to uphold the fairness of the election process.

7. Voters should be authorized to call back their elected representatives, if they lose confidence and faith of the voters of their

constituencies. The process of calling back should be formally defined in the Constitution and election rules.

8. Fixing Intermediate and Graduation as minimum educational qualification for candidates for the provincial and national assemblies respectively. But this could be a time-based measure that should not be adopted permanently.

15. Reducing the period of membership of provincial and national assemblies

from 5 years to 3 years and that of senate members from 5 years to 4 years. These periods should remain till such time as people do not get politically educated sufficiently, and a good leadership does not become available to them. Training the voters, and continuous happening of transparent and impartial elections, will alone bring back the interest of voters in the electoral process.

10. Holding elections to the national and provincial assemblies on the same date.

17. Arranging direct elections to the senate while reserving seats for writers, journalists,

educationists, men of learning and scientists, technocrats and men of learning, traders and industrialists, representatives of trade unions and *kissan* organizations. Seats should not be reserved separately for 'ulema', as Islam has not granted them any special institutional status as religious leaders. They are free to contest elections as 'men of learning', or from general seats on party tickets or as independents.

12. Empowering Senate to take all decisions of national importance, and creating parity

among provinces for making vital decisions, policies and laws of the country. The senate should be empowered to review the budget before it is passed by the National Assembly.

13. Disallowing indirect elections in Local Bodies elections. Elections by show of hands should also be prohibited.

20. Restoring the 1973 Constitution in its original form. Any future amendments to this

Constitution should be made by the new truly democratically elected parliament.

15. Giving the right to voters to recall their candidates during their term of office on charges of corruption and inefficiency.

16. Reserving seats for women and religious minorities. .

17. Merging the tribal areas and Northern Areas or joining them with other adjoining

Provinces. Candidates from these areas should be given the right to vote. They should be elected rather than nominated by the *sardars*.

18. Giving in trusteeship by the state luminaries - the president, the prime minister and the chief ministers – of all their assets.

19. Setting up a permanent and fully empowered Accountability Commission, which will receive public complaints and take decisions thereon. It should also be authorized to take *suomoto* action against corrupt and incompetent persons. It should be ensured that such commission would not be a simple tool in the hands of the vested interest by making it administratively and financially independent. Selection of its chairperson should be done by the political parties in power as well as those in the opposition, and confirmation be made through the National Assembly.

21. Administrative Accountability Courts should also be established for administrative accountability of bureaucracy for corruption and dereliction of duty.

22. The voters' list should be computerized and cleared of all bogus voters, and their copies should be supplied to the registered political parties. All those voters whose names are printed in the voter's list should be allowed to vote. Identification of voters by means other than identity cards should also be allowed. The system of challenging votes may be re-introduced

23. Elaborate arrangement should be made for revising the voters' list before the holding of elections. Votes of about 2 crore adults in private jails of jagirdars, should be enlisted. Votes of those living in the villages under the tutelage of *sardars* and big landlords, especially the women, who are not allowed by them to enlist as voters, should also be enlisted.

24. It should be mandatory for all elected governments to present all policies (economic, foreign, defense, education, finance commission etc.) to the Parliament and not make them through extra-parliamentary means. The process of issuing Ordinances should be discouraged, and such discretionary powers of the president should be curtailed.

28. Making it essential for political parties wanting to participate in elections for

National Assembly to establish branches in all provinces. Those political parties

which do not have branches in all the provinces, or have these in one or few provinces, should only be allowed to participate in the provincial elections of those provinces in which they have their branches. To promote unity in the country, only those parties should be allowed participation in elections for the national assembly that get minimum vote, say 5 percent from each province.

26. Making it mandatory for political parties to have internal democracy and collective- leadership in the party. Elections of all office-bearers should be made mandatory for political parties.

27. Government should give adequate funds to registered political parties, commensurate with the percentage of votes secured by them, for their office expenses.

28. Disallowing political parties and their candidates to print and distribute slanderous material or use abusive language against other political parties or their candidates or to use racial, sectarian or religious slogans, or accuse the other political party or candidate for being enemies of Pakistan or Islam, or issue decrees of infidelity against them. Candidature of those indulging in such activities should be cancelled. There is no difference of opinion about Islam being the ideology of Pakistan. Therefore, the word "Islam" should not be used as a political slogan in elections. Any slogans should be issue-oriented.

29. Political parties should make the following documents available to the Election

Commission:

(y) Party constitution and manifesto

(z) List of members (province wise)

(aa) List of central and provincial office-bearers

(bb) Certification of the dates when the last party elections at the provincial and central levels were held.

30. Making it mandatory for political parties to provide the following documents and information about their candidates while submitting their nomination papers: -

kk. Name, age, address and telephone number

ll. Educational status

mm. Annual income and value of personal assets

- nn. Amount of taxes paid, and value of unpaid taxes
- oo. Affidavits by the candidates to the effect that they have not been convicted under any criminal law and that no criminal cases are pending against them.
- pp. Holding elections at the national and provincial levels on party basis and on the basis of joint-electorate.

31. Arranging a 3-month long political awareness campaign for the people and voters through the Election Commission, for preparing them for effective participation in the elections. 32. Broadcasting dramas, specifically on elections on television and radio.

33. Limitation of constituencies should be done by keeping in view the convenience of voters and not according to the interests of certain candidates. It should be done with due consent of parties in opposition.

34. Final announcement of the constituencies should be done at least three months before the election date, and that of polling stations two months before elections.

35. The police and the administration should also be rendered completely impartial in the electoral process. Manifest institutional arrangements in all branches of administration will also have to be made.

### **Reducing Election Expenses and Improving Electoral Conduct Rules**

Specific steps should be taken to improve the electoral rules. The government should take positive and solid steps to lower election expenses so that persons with average income and resources could serve the nation through the assemblies in a better way. It should also be ensured that all segments of the society get their due share in the power structure and thus get rid of the prevailing sense of indifference, by participating in the assembly proceedings fully and with fervour. The improvements suggested are:

- 61. Reducing the election expenses to the bare minimum in order to make elections an affordable exercise for the lower and middle classes, who have limited financial resources. The limit to election expenses should be fixed at Rs.20, 000/-.
- 62. Common places should be fixed within each constituency for holding election meetings / processions, in order to avoid any disturbances to public activity and to reduce cost on these activities.

63. Strict observance of Election Code of Conduct should be made, and the violators should be disqualified from taking part in elections.
64. Banning posters, billboards, neon-signs, banners, wall chalking and advertisements in print and electronic media. The Election Commission should instead publish posters constituency-wise giving names of candidates, names of their political parties and their election symbols. These should be pasted outside the election offices and displayed at notified public places, previously advertised.
65. Disallowing loudspeakers for electioneering campaign on vehicles. Loudspeakers should be restricted only to public meetings by political parties.
66. Allowing only handbills and 4-8 page pamphlets for introducing candidates to voters in their constituencies through door-to-door contacts.
67. Putting a total ban on transporting voters on hired vehicles on the polling day, and on offering food and soft drinks in polling camps.
68. Increasing the number of polling stations and placing these at central places, so as to enable voters to walk down to these stations with ease for tendering their votes.
69. Providing every candidate with one free copy of the electoral list of his / her constituency.
70. Providing the facility to political leaders of presenting their policies and programs through the electronic media, while giving them enough time therein.

### **Holding Elections in Two Phases**

Elections should be held in two phases. The first phase should be reserved for the determining eligibility of political parties and candidates for participation in the second and final phase. Those political parties, which are unable to obtain 10% of the votes polled, should not be allowed to participate in the final phase of elections. The parties should contest the first phase by issuing list of their candidates and declaring their manifestos. The candidates who do not obtain the first two positions in the first phase of elections should be disqualified to participate in the final phase of elections. Thus the candidate securing more than 50 per cent votes will be

declared elected. The holding of elections in two phases is, therefore, essential to establish the true democratic character of elections.

### **Proportional Representation**

The system of proportional representation should not be adopted until such time as the political parties get well organized on truly democratic lines and the candidates become politically aware, educated, trained in political and social work and are keenly interested in taking part in elections. The number of mushroom political parties is also very large. The system of proportional representation could be progressively introduced in the light of the experience gained after holding a few elections on the basis of direct elections, and after the political parties become strong and small in number.

## **PART 3: ROPOSALS FOR HOLDING FAIR, FREE AND TRANSPARENT ELECTIONS**

**Prior to the holding of elections, the following steps should be taken:**

1. The elections scheduled for January 8 should be postponed for two months and, in the meantime, a Caretaker Government and a fully independent, legally empowered and financially secured Election Commission should be formed by mutual consent of the government and opposition parties.

2. An atmosphere of goodwill and credence should be created between the ruling and opposition parties, in the interest of the country, for initiating dialogue between them in this regard because a democratic set-up, to be effective and fruitful, requires a guaranteed process of fair, free and transparent elections that may truly reflect the will of the people.

3. The emergency imposed on November 3 should be lifted and the PCO withdrawn. The Judges of the supreme and high courts should be immediately restored.

**The following targets should be fixed for good governance:**

43. Ending the existing class society and the status quo.
44. Loosening the hold of the vested interests over state power.
45. Enabling all the people to utilize the means of production to their benefit to the best of their ability, and to participate equally in the affairs of the state for developing the society.
46. Bringing down the disparity in incomes to the minimum level.
47. Removing poverty, allaying unemployment, arranging good education and health for the people.
48. 6. Enabling the rule of law and justice to prevail.

**The following steps should be taken, on a long-term basis, for good governance:**

43. Life of national and provincial assemblies should be reduced from 5 years to 4 years and that of the Senate from 6 to 5 years.
44. The number of seats of the national and provincial assemblies should be fixed at 1 seat for 3 lacs population.
45. Maximum powers should be devolved to the provinces from the federation.
46. A permanent and fully empowered Accountability Commission should be set up to receive public complaints and take decisions thereon, authorizing it to take *suomoto* action against corruption.
47. It should be made mandatory for political parties to have internal democracy and collective leadership rather than patrimonial leadership. They should also maintain membership registers and keep proper accounts. Their candidates for election should also be made to submit documents regarding their educational status, annual income, personal assets and the amounts paid as taxes and the value of unpaid taxes. Submission of affidavits to the effect that they have not been convicted under any criminal law should also be made mandatory
48. It should be made essential for political parties desiring participation in elections for the national assembly to have branches in all the provinces.
7. The candidates should not be allowed to stand from more than one constituency. The prevailing way of multiple constituencies should be discontinued.
8. Those having branches only in one or few provinces should only be allowed to



take part in elections for the provinces in which they have branches.

30. Elections to the national and provincial assemblies should be held only on party basis and on the basis of joint-electorate.
31. Elections to the Senate should be held directly, while seats should be reserved for writers, journalists, scientists, technocrats, traders, industrialists, workers and *kissans*.
32. The 1973 Constitution should be restored to its original form because it has been disfigured beyond recognition by wrong amendments. Any useful amendments to the constitution could be made by a truly elected parliament.

**The following steps should be taken to ensure free, fair and transparent elections:**

120. In order to determine the credibility of the candidate the following criteria should be fixed:
  - (a) He is not convicted by a court of law for any criminal offence.
  - (b) He is not a tax-defaulter.
  - (c) He does not have a bad record of disservice to society.
  - (d) He has a bad reputation of being rude, abusive and oppressive.
  - (e) He is morally sound.
121. Political parties and their candidates should be debarred from printing slanderous material, or use abusive language, against other political parties or their candidates, or use racial, sectarian or religious slogans or accuse each other of being enemies of Pakistan and Islam. Candidature of those indulging in such activities should be cancelled.
122. All aspects relating to elections should be discussed in the print and electronic media and in seminars all over the country so that people evince keen interest in elections and the voters participate in elections in large numbers.
123. The voters should be given the right to recall their candidates in case they are not satisfied with their performance or they find them indulging in corruption, murder etc.
124. Election expenses should be reduced to the bare minimum in order to make elections an affordable exercise

for the lower and middle classes. The limit on election expenses should be fixed at rupees 20,000/-.

125. Posters, billboards, neon signs, wall-chalking and advertisement in print and electronic media should be disallowed. Instead, it should be made the responsibility of the Election Commission to publish posters constituency-wise, giving the names of candidates, their election symbols and the names of their political parties, and displaying these outside the election offices and duly notified public places.
126. Only handbills and 4-8 page pamphlets should be allowed to be published by candidates for use during personal contacts with the voters in their constituencies.
127. The number of polling stations should be increased, and placed at easily accessible places so that the voters could walk down to them.
128. A total ban should be imposed on transporting voters to the polling stations on hired vehicles, and on offering food and soft drinks in polling camps, except plain water.
129. The number of polling stations should be increased, and placed at easily accessible places so that the voters could walk down to them.
130. The candidates and political parties should be provided with facilities to present their policies and programmes through the electronic media.
131. Persons polling fake votes should be arrested on the spot.
132. Candidates or their polling agents should not be arrested after the announcement of the election dates, except when they commit a capital offence, so as to enable them to perform their work unhindered.
133. The ballot boxes should be of transparent material. The ballot boxes should remain in the view of the polling agents and should not be removed to another room. The counting should be done immediately after the closing of polls and the results announced immediately thereafter. It should be made mandatory for polling officers of each polling station, and the polling agents present, to sign the result-sheets, and copies of it should be given to the polling agents of candidates.

134. A consolidated list of the polling results of each constituency should be prepared by the Returning Officer of each constituency and sent thereafter to the Provincial Election Commissioners for onward transmission to the Chief Election Commissioner for final declaration of election results.
135. Only those candidates should be declared elected who have secured more than 50 per cent of the polled votes. To determine this, the elections should be held in two phases. The first phase of elections should be reserved to determine the eligibility of political parties and their candidates for participation in the second phase of elections. Those political parties which are unable to obtain 10 per cent of the total polled votes, and those candidates who do not attain the first two positions in the first phase should not be allowed to participate in the second final phase of elections. The holding of election in two phases is essential to establish true democratic character of the elections.
136. The Election Commission should publish a priced booklet on election rules and regulations for the guidance of election and polling agents.

## **PART 4: ELECTORAL REFORMS AS BASIS FOR A SOUND POLITICAL SYSTEM**

### **Present Situation**

At present 90 percent members of the assemblies are representatives of feudals and capitalists, who by establishing their social, economic, and political monopolies have laid the foundation of class-society in Pakistan. They have a strong hold over the political parties, and their representatives in these parties do not let them do any planning in favour of the people on democratic lines. These elements have also grasped state institutions. They acquire power and wealth through intrigues and machinations and do not allow the educated, capable and honest persons from amongst the lower and middle classes, who are in, absolute majority, to share power with them. They have kept the people poor, financially handicapped and uneducated with the help of the religious elite, so that they may remain ignorant about their rights, and do not stand up

to secure these rights. During the last 56 years they have not used state power to solve the problems of the people.

The existent system of elections negates the severity of the people and their interests. This system prevents the establishment of a "people friendly welfare state" which raises standard of living of the poor. Democracy gives equal rights and status to all citizens and do not differentiate between them on the bases of color, race, religion and gender. Election is an instrument for changing the social economic and political systems so that, through it, the country's executives and judiciary may solve their problems in a proper manner and work jointly for the progress of the country.

We will have to highlight the national interests in the eyes of the people. For this purpose we will have to end national religious and sectarian prejudices and have to arrange a politics which is free from intolerance and despotism. If we love our country and are sincere with the nation, if we are desirous of our country's development and prosperity, if we want to have a good name amongst the family of nations and if we want to build our society on the bases of love, peace and human fraternity, we shall have to formulate the electoral system on the right lines.

## **The Aims of Elections**

The aims of elections should be determined on the following lines:

36. Ending the existing class-society.
37. Loosening the hold of the vested interests over state power.
38. Enabling all the people to utilize the means of production to the best of their ability, and to participate effectively in the development of society.
39. Bringing down disparity in incomes to the minimum level.
40. Enabling the rule of law and justice to prevail.

## **Basic Election reforms**

The following basic electoral reforms should be made

99. The life of the national and provincial assemblies should be reduced to 3 years and that of the Senate to 4 years.
100. The elections to the national and provincial assemblies should be held at the same time.
101. All elections should be held in two stages. The first phase should be reserved for determining eligibility of political parties and candidates for participation in the second and final phase. Those political parties, which are unable to obtain 20% of the votes polled, and those candidates who do not obtain the first two positions, should be disallowed to participate in the final phase of elections. The candidate getting the largest number of votes should be declared elected. The holding of elections in two phases is essential to establish the true democratic character of elections.
102. The election to the senate should be held on the basis of direct elections.

103. The seats of national and provincial assemblies should be increased in the ratio of one seat for a population of 3 lacs.
104. Election expenses should be reduced. No candidate should be allowed to spend more than Rs.20, 000.
105. The election commission should be made fully independent and self-sustained financially. Appointment of the Chief Election Commissioner should be made by consensus of all political parties and through the parliament.
106. The Election Commission should publish posters containing the names of the candidates and their political parties and election signs. It should not be done by the political parties.
107. The Election Commission should also arrange a full fledged campaign of mass awareness regarding elections in the print and electronic media
108. The voter's list should be revised yearly. The names of the dead and fake-voters should be removed, and names of those not listed and those who have reached the age of 18 years on 1<sup>st</sup> January should be added.
109. Only those political parties that have branches in all the provinces should be allowed to participate in the elections for the national assembly. Those parties having branches only in few provinces should only be allowed to take part in the elections of the provinces in which they have branches.
110. The independent candidates should not be allowed to participate in elections, because they damage the electoral process. They should instead be encouraged to join the political parties of their choice.
111. The electorate should be allowed to call back candidates of their constituencies who indulge in corruption and show bad performance.
112. Elections to the national and provincial assemblies and the local bodies should be held on party basis and joint electorate.

## **Essential steps for getting better results from elections.**

The following steps should be taken in this regard:

50. A three-month campaign should be made throughout the country by the election commission and political parties so that the importance of elections is made evident and deep interest created in them so that they take part zealously in the elections and vote in large number.
51. The holding of elections every two years, and promotion of the concept of "collective leadership" should be made compulsory for political parties rather than hereditary or charismatic leadership. All political parties should be ordained to keep membership register and maintain regular accounts.
52. The political parties and their candidates should not be allowed to print and distribute slanderous material or use abusive language against other political parties or their candidates or to use racial, sectarian and religious slogans or accuse others for being enemies of Pakistan and Islam or issue

decrease of infidelity against them. Candidature of such persons should be cancelled.

53. The number of polling stations should be increased and placed at central places to which most voters could walk down.
54. Party candidates should not be allowed to publish their photos on posters and billboards, to do wall chalking, give advertisements in print and electronic media and indulge in publicity through loudspeakers.
55. At the end of polling, the polling officer and polling agents representing various political parties should jointly sign the election result of that station, a copy of which should be given to the polling agents present, and should be pasted outside the polling station.
56. The Election Commission should publish a booklet on election rules for the guidance of polling agents, and give them to political parties and their candidates on payment.

## **The Criteria for Candidates**

The voters should poll their valuable vote only according to their conscience, and deliver their votes to the better person, to which ever political party he / she may belong, keeping in view the following criteria:

### **Vote only for such persons:**

43. Who is liked for his capability, service and good reputation, and is known as a good human being.
44. Who is educated, honest, of good character and truthful, and is service-minded.
45. Who is free from all kinds of prejudices, and treats all Pakistanis in a similar manner.
46. Who takes active part in social work and in solving the problems of the people.
47. Who is not involved in sectional and sectarian prejudices, and does not ask for votes in the name of *baradaris*.
48. Who is from the lower and middle classes.

### **Do not vote for such persons:**

57. Who have unlawful incomes, who spend luxurious lives, and who indulge in immoral crimes, have been convicted for a moral turpitude, have bad reputation, indulge in smuggling and black marketing and are professional criminals.
58. Who have changed their political loyalties to gain power and wealth.
59. Who have not grabbed others' properties.
60. Who are not involved in violence, pillage, exploitation and anti-state activities.

61. Who are tax-evaders.
62. Who purchase votes, oppress, threaten and indulge in ill practices.
63. Who uses the name of Islam for attaining self-interests and for gaining power?
64. Who has sided with the present military dictatorship.

If you elect wrong people for the assemblies, you will suffer worse conditions than the present, and will lose all your rights. After that you will forfeit your right to complain about the bad state of affairs.

## **PART 5: CORRESPONDENCE OF SAFDAR HASAN SIDDIQI ON HOLDING FAIR ELECTIONS**

### **FIRST LETTER**

Your article published in Dawn contains some very pertinent points that need to be registered before I proceed further. They are:

“Hold elections – all-embracing and absolutely fair and free. Let the electoral resolve the crises along with other long-pending vital issues that are gnawing at the foundations of state and society.”

“Half the century has been lost and we have had long years of military rule/quasi-civilian rule and the undermining of the democratic process has been in progress.”

“What is important is not the continuity of a government but the quality of governance.”

The framer of the US Constitution James Wilson stated in 1787, “people may change the constitution whenever and however they please. This is a right which no positive institution can ever deprive them.”

“Elections is peaceful and nationally recognized and is the acid test of a nation’s coming of age and being able to deal with its problems.”

“The people’s collective wisdom ensures the return of such stalwarts and statesmen as could meet the need of the hour.”

“Roosevelt, Winston Churchill, Charles de Gaulle and Konrad Adenauer were all duly elected leaders who were called to play their historical role in the most testing of times, yet none of them usurped power on the grounds of “national security.”

“The 1973 Constitution is more centralized than the India Act 1935 or the 1956 Constitution. It gave 114 powers to the federation. This list must now be reduced to the barest minimum.”

“What is important is the motive behind constitutional amendments. Ironically, all 17 amendments to the 1973 Constitution were made either to legitimize military rule (both direct and indirect) or to strengthen the executive at the cost of parliament, the judicature and the people’s inherent civil and political rights. All over the democratic world, constitutional amendments are made to grant more political and civil rights to citizens.”

The above quotations highlight the importance of the Constitution and the elections. Both the documents need extensive and incisive amendments. To start with the electoral reforms, I have prepared some proposals for guaranteeing free and fair elections, which I am sending you, as an attachment to this e-mail, for your perusal and appreciation. I would like to have your comments on these and would appreciate if you could improve on these. Please also give your postal address. My postal address is: 74/A-2 Abu Bakr Block, New Garden Town, Lahore. Mobile: 0302-4130307.

Yours truly,  
Safdar Hasan Siddiqi

## **SECOND LETTER**

Syed Afzal Haider  
Law Minister, Caretaker Government,  
Pakistan Secretariat, Islamabad.

Dear Sir,

As desired, I am sending herewith our proposals for holding free, fair and transparent elections. I hope you will find these proposals useful.

What matters most in this respect is the desire of those who hold power to enter into dialogue with the opposition parties, in the interest of the nation, and creation of a conducive atmosphere for fair elections.

I will be glad to serve you any further.



With regards and best wishes,

Yours truly,

Safdar Hasan Siddiqi  
Convener, Pakistan Jamhoori Tehreek

### **THIRD LETTER**

Qazi Muhammad Farooq,  
Chief Election Commissioner,  
Government of Pakistan,  
Pakistan Secretariat, Islamabad.

Dear Sir, Sub: Improving the Electoral System

I am pleased to send herewith a printed treatise on "Improving the Electoral System". It has been prepared by collective deliberations of the members of the Pakistan Progress Forum, which has been formed to prepare well researched papers on the important issues faced by the nation. The above treatise is the first of the series.

This treatise contains a detailed analysis of the drawbacks of the existing electoral system, and gives positive and workable suggestions for the improvement of the electoral rules. It also lays down concrete and viable proposals for the holding of free, fair and transparent elections.

Your Election Commission is requested to study this paper in depth, and analyze the various proposals given by us. We will appreciate if you were to give us point-by-point comments on the main proposals of our organization.

Kindly acknowledge receipt of this communication, which is in dire national interest.

With regards,  
Yours truly,  
Safdar Hasan Siddiqi  
Convener, Pakistan Progressive Forum

## FOURTH LETTER

Dear Mr. Naeem Sadiq,

I have read your article in "The News" titled "Voter Education for Political Change" I agree with the following of your observations:

- 13) Soon we will be the victims of the same perennial candidates, same slogans, same promises and same disappointments. (if we do not exert to change the present electoral system).
- 14) The process of elections can be accelerated if the voters are more informed and have basic facts and characteristics of a contestant, so as to be able to make a considered voting decision.
- 15) 3) It is time to educate the voters to consider attitudes, competence, character, personal examples and the performance of the political leaders as the basic decision making parameters.
- 16) 4) Every politician contesting national or provincial assembly election must fill a specific form about his assets, capabilities and performance in the public field. (A better form could be made).

I would add some more requirements for ensuring free, fair and transparent elections, which I am e-mailing herewith  
Your well-considered comments on this draft are expected at an early date.

I propose that such persons who have sound ideas about holding purposeful elections should coordinate with one another for producing a consensus document. Such an effort, in my view, could only be successful if we do not stick to keeping intact the status quo. Instead we should pursue a long-term objective to change the current system itself and try to replace it with a just socio-economic system.

With regards,  
Safdar Hasan Siddiqi  
Convener, Pakistan Jamhoori Tehreek

## **PAKISTAN AND THE SECURITY OF THE BALLOT BOX**

1. Let us, first of all, state the importance of politics in social and economic development. It should be remembered that politics is not a thing to be discussed in drawing rooms; it is played in the streets and in the hearts and minds of people.

**2. Any general election offers the electorate (i.e., the people) an opportunity to choose its rulers i.e. managers of the State and government.**

**3. Pakistan needs the essence of democracy i.e., the right of the people to a free choice, rather than the form of an election that will not change the establishment's control over the country.**

**4. The central point of reference in the whole political wrangle about the electoral process is that any system of election should evolve around the true democratic concept that the people are the sovereign authority, and the final arbiters of all difference of opinion in matters of statecraft. This authority and arbitrament is exercised through the validly elected representatives of the people. No non-elected person, whether belonging to the civil or military personnel, possesses the right to exercise such powers even in an infinitesimal manner.**

**5. Private ownership of property is known as feudalism. Since large and excessive properties are alien to the true concept of Islam, feudals may be barred from taking part in elections. Similarly, ban should be imposed on loan defaulters, those who have bank accounts in foreign countries and persons who have been convicted of a criminal offence.**

**6. The reason why we have had bad politicians is because the military intervenes every now and then, undermining the political process each time, and depriving the people of a chance to assess the leader's performance. In reality it is the military's domination that prevents other institutions from evolving and developing effectively. It is not, because of bad performance of the politicians that the military comes in, as is being claimed by the exponents of the desirability of military interference in politics.**

**7. The pre-requisites of fair, free and transparent elections are:**

- (a) The people, especially the voters, should be free from any kind of extraneous pressures for exercising their votes according to the dictates of his/her conscience.
- (b) The educational, behavioral and moral capabilities rather than financial status of a candidate should determine his/her preferability for the voters.
- (c) The elections should be least costly for a candidate. Electioneering methods involving wasteful expenditure should be totally banned. This will enable more suitable candidates, though with little financial resources, to run for elections thus adding to the wealth of knowledge and expertise of the assembly members. Selfish candidates with bad reputation, habitual criminals and amassers of ill-gotten wealth should not enter the assemblies/

**8. The five pillars on which a good and fruitful state structure and good governance can be based are: (a) A free, fair and transparent electoral system (b) A political leadership that is honest, capable and possesses a clear objective (c) Voters who are ideologically and politically aware, and (d) Political parties that strictly abide by democratic principles.**

9. The system of governance, human rights, basic freedoms and consultation are the main themes of democracy. Dictation by any agency or by a civil or military dictator negates democracy.

10. In order to provide a good government machinery, and for making rightful policies, the Election Commission must take the following steps:-

- (a) A total ban be imposed on all election posters, billboards, neon-signs, banners, wall chalking, press, radio and TV advertisements as well as loudspeakers fitted on vehicles for election propaganda and private transport for carrying voters to the polling stations. Only pamphlets and handbills should be allowed to introduce candidates in their constituencies.
- (b) Provision of food and soft drinks at polling camps be disallowed.
- (c) Maximum limit of election expenses be fixed at Rs. 20,000/- only.
- (d) An intensive election campaign be launched for two months in the press, television and radio in order to bring about deep awareness amongst the voters and the general public about the importance of elections for the country.

- (e) Dramas relating to the election process be played on TV and radio.
- (f) People be made aware about the necessity of changing the existing status quo, and the need for good governance.
- (g) Men and women voters should be motivated to go to the polling booth to cast their votes in large numbers. Vote percentage should exceed 50 per cent of polled votes.
- (h) Only those political parties be allowed to participate in elections at the national level that have their branches in all the four provinces. Provincial level political parties should only be allowed to participate in provincial assembly elections.
- (i) The category of "independent candidates" be abolished. Political parties should be developed as the sole political institutions.
- (j) Religious and sectarian parties should not be given the status of political parties. They should not be allowed to participate in elections as a separate "class" entity.
- (k) The period of assemblies be reduced from 5 years to 3 years.
- (l) Direct elections be arranged for the Senate. Seats be reserved in the Senate for industrial workers, peasants, teachers, intellectuals, university graduates, scientists, engineers and other technocrats, traders and industrialists. They should be represented in the Senate through their associations.
- (m) Elections to be held in two phases. Those political parties that do not secure 5 % of the polled votes in the first phase be debarred from taking part in the second phase of elections. Those candidates who do not secure more than 50% of the total number of votes polled should not be declared elected. In the second phase, election should be held between the two candidates securing the highest number of votes.

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