**A case of criminal politicisation**

Raoof Hasan

Friday, Sep 24, 2021

For long, Pakistan has been faced with external challenges. But the challenge from within is a new phenomenon which has raised its head in a loathsome manner. If allowed to grow any further, it can inflict immeasurable damage.

It has been a well-established reality that some leaders here have distorted the system to advance their personal interests over the interests of the people and the state. While they continued to prosper with each new stint in the annals of power, the state kept shrinking in both writ and relevance. The trademark mechanism they employed to facilitate their corrupt and criminal objectives was secured by appointing their cronies and sycophants to positions of power in state institutions, most notably the likes of NAB, ECP, FBR and others, which mattered in planning and overseeing transparency and accountability processes and mechanisms.

The most recent controversy between the government and the ECP is an appropriate case in point. The history of elections in Pakistan has been a fractured one. Every election held in the country has been rendered controversial by the losing side(s) on one pretext or the other, mostly related to voter fraud. Ever since coming into power, the PTI government has been keen on developing an electoral system that would improve it beyond the pale of tampering. Ostensibly, this has also been the demand of almost all political parties (most of which constitute the opposition in the country today). That is why, from early on, the government has been asking the opposition parties to submit their proposals for introducing reforms to make the electoral process transparent. The use of technology, which has been tried successfully in many other countries of the world, has been a principal feature of the proposal from the government.

Improving the electoral process has also been part of the third ECP Strategic Plan (2019-23). In this context, identifying, developing and piloting new electoral technologies to facilitate and increase voters’ participation and awareness, and improving public trust in the electoral process is listed as Pillar 8 in the ECP Strategic Plan within the domain of “information, communication and electoral technologies”. One of the strategic actions – listed at 8.2.1 – is “conducting more pilot tests of electoral technologies including electronic voting machines (EVM), biometric voting machines (BVM) and overseas voting mechanisms to develop feasibility studies for operational and legal consideration by parliament and other relevant authorities”. The action also includes “exploring new technologies and assessing their feasibility” which is listed at 8.2.2.

The measurable indicators in this context are listed – at 8.2.1.1 – as “developing feasibility reports by December 2021” and – at 8.2.2.1 – assessing “new technologies” and developing “feasibilities” by September 2022”. The timeline is relevant in the context of facilitating the use of technologies and mechanisms thus finalised in the 2023 general elections.

Another point which is noteworthy is the right to vote which is enshrined in Article 17 of the constitution is granted to overseas Pakistanis. This was duly reinforced by the Supreme Court of Pakistan (SC) in its judgment in the case titled Chaudhry Nasir Iqbal and others vs Federation of Pakistan (PLD 2014 SC 72), “Thus where the right of overseas Pakistanis to vote already exists as per the law and is duly recognised, it must necessarily be given due effect...and, to this end, the only step which the ECP has to take is with regard to adoption of a suitable and effective mechanism and procedure by making appropriate rules under Section 239 of the Elections Act, 2017. Accordingly, Section 94 of the Act makes it mandatory for ECP to conduct pilot projects enabling overseas Pakistanis to vote in the upcoming by-elections”.

The judgment goes on to state that “this exercise of (conducting pilot projects in by-elections) enabling overseas Pakistanis to vote may then be replicated on a larger scale, ie, for future general elections”. The SC concluded the judgment by stating that “the ECP and NADRA had given presentations to this court in the foregoing regard and about third-party validation that has been received from independent experts regarding the safety, integrity and workability of the system”. Based on these presentations, “we, prima facie, find the mechanism of i-voting to be safe, reliable and effective for being utilised in a pilot project”. The SC hoped that amendments shall be incorporated in the Election Rules, 2017 to enable overseas Pakistanis to exercise their right to vote in the forthcoming by-elections”.

Despite the fact that it has included the introduction of technology in the electoral process clause in its Strategic Plan (2019-23), and developed a viable mechanism for i-voting to facilitate overseas Pakistanis to vote as per the directive of the SC, the ECP has been unwilling to ensure either of the two. In the process, it has not only violated its own Strategic Plan, but has also been guilty of committing contempt of court with regard to ensuring voting rights to overseas Pakistanis.

The sordid story of the ECP does not end there. Introducing electoral reforms to eliminate the prospect of vote tampering has been a key constituent of Prime Minister Imran Khan’s election manifesto. Consequently, when the government urged the ECP to take appropriate measures in this regard, and even developed an EVM to facilitate the process, the ECP came up with as many as 37 frivolous objections to the proposed machine.

This is no simple rejection of a proposal and the corresponding machine to facilitate it. This is tantamount to rejecting the need for introducing reforms to render the electoral process transparent and efficient. This is insisting on perpetuating an old and decrepit manual system which has been the cause of much controversy in practically every election that has been held in the country since 1970. The need is to eliminate the cause of this controversy, not prolong the agony further.

The background of this refusal is rooted in the excessive politicisation of institutions. Cleansing them of the grievous ailments which they are afflicted with is a challenging test case for the government. And no case can be more relevant than the ECP, which is entrusted with the key responsibility of holding free, fair and transparent elections.

Saying no to introducing technology is saying no to its Strategic Plan as also the law of the land. It is a case of an institution supporting the proponents of a corrupt status-quo whose political survival will be mortally jeopardised if the electoral process is cleansed of its existent caveats. Notwithstanding the severity of decisions that may need to be taken, the ECP must heed the dictates of electoral transparency and law.

The writer is the special assistant to the PM on information, a political and security strategist, and the founder of the Regional Peace Institute.

Twitter: @RaoofHasan