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**A grubby affair**

As if doomed by fate, as a rule parliamentary elections in Pakistan are mired in controversy. Polls for the popularly elected National Assembly give rise to allegations of systematic rigging. The losing parties spurn the electoral outcome and endeavour to unseat the government.

Elections to the Senate, held every three years, produce allegations of bribery. The chief antagonists on the one side are the legislators who, responding to the voice of their ‘conscience,’ cross the floor and vote for the candidates of other political parties. The other side is represented by the heads of the parties, who fear their mandate may be stolen by the power of money. The recently released video, which depicts lawmakers selling their votes in exchange for money during the 2018 Senate elections, is a case in point.

Going by the statute book, elections to the Senate have three distinct features. One, the senators are indirectly elected by the members of the National Assembly and of provincial assemblies on the basis of proportional representation. Two, seats are reserved for each federating unit and the Islamabad Capital Territory (ICT) in the Senate. Three, under Article 226 of the constitution, the elections to the Senate are conducted by a secret ballot, making it difficult to ascertain who voted for whom.

In principle, the number of Senate seats won by different parties from a province or the ICT must be proportional to their relative strength in the corresponding legislature – neither more nor less. In practice, however, this seldom happens and parties over- or under-perform. The gains made by one party are invariably built on the loss of another.

In 2015, a constitutional amendment bill was moved with a view to scrap the condition of secret ballot for Senate elections. The proposal was initiated by the then ruling PML-N, and was supported by the PTI, amid stories doing the rounds that horse-trading was rampant in the run-up to the upper chamber polls. The proposed amendment was opposed among others by the PPP avowedly for the reason that changes in the basic law of the land needed thorough deliberations – a standard pretext to oppose any legislative or executive measure. In the end, the proposed amendment couldn’t see the light of the day.

Three years later, Senate elections were held amid similar allegations. In Sindh, where the PPP, given its strength in the provincial assembly, should have won not more than 10 seats, bagged 12. The party drew upon the strength of a divided MQM, which saw only one of its nominees return as senator. In Khyber Pakhtunkhwa as well, the PPP won two seats, whereas in view of the number of its lawmakers in the province, it should have gone empty handed. The PTI was the loser. However, the PTI made some amends in Punjab by snatching one seat from the PML-N. In Balochistan, the independents had a field day, and the PML-N was the prime loser.

In the end, heads of most of the political parties cried foul. The only exception – and understandably so – was the PPP. Its chairperson Bilawal Bhutto defended his party’s over performance by claiming that it didn’t bribe but persuaded lawmakers from other parties to vote for its candidates.

Without casting aspersions on the PPP leadership’s superlative ability to make a successful sales pitch to men and women of conscience, one may suspect that politics is largely a funny business in which the power of money can sweep anyone – with some exceptions of course – off their feet.

As any textbook on sociology will point out, social institutions and practices have both intended and latent functions. In case of elections, the intended purpose is to allow the electoral college to exercise its right to franchise. However, one of the latent functions is to provide an opportunity to the buyers and sellers in the political market to trade their votes and wealth. Not surprisingly, whatever else they may be, elections from local bodies up to the upper house of parliament are largely a pecuniary affair.

The electoral laws in Pakistan prescribe Rs4 million and Rs2 million as the ceiling that a candidate for the National Assembly and a provincial assembly can legitimately spend respectively on their electioneering. But this stipulation is hardly adhered to.

A typical National Assembly constituency comprises some 300 polling stations and about 350,000 eligible voters. On election day, the candidates are supposed to provide meals to polling agents and supporters and transport to the voters. In the run-up to the polls, they have to campaign all over the constituency. Thousands of posters, not to speak of banners and billboards, have to be printed and pasted and replaced at least twice a week. Staff and transport have to be hired for door-to-door electioneering. A lot of money is spent on media promotion. These are all 'legitimate' items of expenditure. Even their cost shoots to millions, making a mockery of the ceiling on electoral spending.

Whether it is political parties or independent candidates, they leave no stone unturned to ensure their victory. Thus, it's not a big deal if they have to barter a few million rupees to purchase the support of influential people in the constituency as well as that of the ordinary voter. But seldom has a candidate been disqualified for having overshot the limit on electoral spending.

Having doled out so much in cash and kind to return to the assemblies, the legislators can't be realistically expected to exhibit a particular disdain for money – few others placed in similar circumstances would demonstrate. This doesn't mean that parliamentarians by and large have an itchy palm. What it means is that given the role money plays in every election, it is difficult to resist the temptation of a monetary reward if the stakes are raised high. Remember it’s a world of ordinary mortals, not of the gods.

In order to curb horse-trading, quite a few proposals have been made. One, as already pointed out, is to change the method of Senate elections in favour of open ballot or show of hands. Since this matter is at present sub judice, it’s better to speak no more of it.

Another proposal is to make elections to the upper house of parliament direct, as in case of the Senate in the US. The problem that this proposal entails, in addition to amending the constitution, is that a popularly elected Senate can’t have fewer powers than the National Assembly, which is also directly elected. In the US, the Senate is as powerful as the House of Representatives, if not more, as all top-level appointments made by the US president are ratified by the Senate.

In Pakistan, the National Assembly is much more powerful than the Senate. A money bill, which represents arguably the most important legislation undertaken by parliament, can originate only in the National Assembly, and it must also be approved by it with or without amendments. The Senate can only discuss the money bill and recommend changes to it. These changes, however, are not binding upon the Assembly.

The only reason the National Assembly is more powerful than the Senate is that it is popularly elected. In case the Senate is elected directly, it should also share with the National Assembly the competence to approve the annual budget. Such a scenario will have problems of its own in a polarized and immature political culture. In case the ruling party doesn’t command a majority in the Senate, it may not be able to get the budget through parliament. Since the federal government can’t spend or raise a single penny in revenue without authorization by parliament, its entire machinery will come to a standstill.

Another proposal is to reserve for each political party the number of seats in the Senate proportionate to its strength in the National and provincial assemblies. Thus, no party will gain or lose when the Senate is reconstituted every three years. The problem with this proposal, apart from amending the constitution, is that the Senate will become a nominated rather than an elected chamber, which may lower its prestige.

The resort to corrupt practices in elections is essentially a cultural issue. The power of the money is welcomed not only in politics but in other parts of social life as well, whenever it works to one's advantage. However, this very fact doesn’t preclude putting in place strong institutional safeguards to make the electoral exercise credible. That’s how societies evolve.

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