**By-election fiasco**

BY A H M E D B I L A L M E H B O O B 2021-02-28

BY-ELECTIONS do spring surprises occasionally but despite the uncertainty about individual contests, these are considered sedate affairs in a democracy as, unlike a general election, the formation of a government is not at stake. The slew of by-elections held in all the four provinces recently were no exception.  
  
The PPP not only retained all three provincial and one National Assembly seats in Sindh but also increased its share of votes in all contests compared to the 2018 general election. The JUI-F won its provincial assembly seat in Balochistan and considerably widened its lead over its rivals.  
  
The two upsets of the nine by-elections were both witnessed in Khyber Pakhtunkhwa where the JUI-F narrowly lost the National Assembly seat in Kurram which it had won in 2018. Another, and major, upset concerned the Nowshera provincial assembly seat where the PML-N not only unexpectedly defeated the PTI, but also more than doubled the percentage of votes gained in 2018. KP and especially Nowshera is considered a stronghold of the PTI and a PML-N win in such a secure seat sent shockwaves across the party structure.  
  
The greatest volatility was, however, witnessed in Punjab. Two seats, one provincial and the other national, were at stake in central Punjab which is considered to be the PML-N stronghold. The provincial assembly seat in Wazirabad was retained by the PML-N but not without a surprise. The PTI almost doubled its percentage share of votes while the PML-N share decreased slightly.  
  
The biggest surprise, though ofa differentkind, was in store in the National Assembly constituency NA-75, now commonly known as the Daska constituency. The seat was comfortably won by the PML-N candidate in the 2018 general election with a margin of around 40,000 votes.  
  
The Daska by-election, in contrast to the other constituencies, was marred by violence. Squads of armed men on motorcycles were seen roaming in Daska city and resorting to aerial firing which scared away many voters. Two persons died and many were injured as a result of the firing at onelocation. Eyewitness reports indicate that the police did not make any serious effort to check this wanton vandalism. The Election Commission of Pakistan (ECP) noted `...incidents of murders, firing and injuries, bad law-and-order situation in the subject constituency creating harassment for voters and other circumstances leading to make the process of result doubtful/ unascertainable`.  
  
As if the violence during the day was not enough, a greater shock was yet to come. According to the Election Rules 2017, the returning officer has to communicate the provisional results to the ECP electronically on or before 2 am the day immediately following polling day. It was probably at that time that the RO noticed that the result of 20 polling stations had not been received and their presiding officers had gone missing. Efforts to reach the missing POs were unsuccessful. The chief election commissioner, who was present in his office at that time according to an E CP press release, apparently smelt a rat and contacted the chief secretary and the district police officer around 3 am. Both assured the commissioner that they would ensure the safe recovery of the POs and polling material but to no avail; the chief secretary, as the commission press release put it, had made himself unavailable.  
  
Repeated efforts were made by the ECP to reach the inspector general of police, divisional commissioner Gujranwala and the deputy commissioner Sialkot on their land and mobile lines but none of them attended the calls according to the press release, which for a welcome change, was blunt in its narration of the non-responsiveness of almost all ofHcials of the local and provincial administration.  
  
The statement went on to say that after hectic efforts, the missing POs reported to the RO at 6 am 13 hours after the close of poll although none of these polling stations were more than an hour`s drive from the RO`s office. The RO`s report stated that the reason for the delay given by almost all the `missing` POs was the fog. When asked why snapshots of the polling station vote count (Form 45) were not sent to the RO and the commission asrequired by the rules, and the calls were not responded to, almost all of them said that their phone batteries were dead.  
  
Most shocking was the discrepancy between the results contained in the Form 45 copies given to the PML-N candidate and the ones submitted to the RO for 18 polling stations by the POs who had gone missing. This discrepancy was highlighted in the RO`s report which showed that the PML-N candidate`s votes were decreased from 5,000 to 3,500; the PTI candidate`s votes were increased from 6,705 to 12,763 and the rejected votes were increased from 139 to 1,731. The ECP, because of these apparent irregularities, declared the by-election of Feb 19 for this constituency to be void.  
  
The blatant efforts to manipulate results in the NA-75 by-election are extremely worrying. It is for the first time since 1977 that such election-day manipulation has been attempted with the connivance of polling staff and the local and provincial administration although preand post-poll rigging has been alleged in many past elections. Any negligence in probing the alleged irregularities will have disastrous consequences for future elections and the democratic set-up.  
  
The ECP must be commended for taking timely, decisive and bold action. If more such attempts are to be forestalled, it is important that it takes the investigation to its logical conclusion no matter how high the trail goes. It is equally important that both the provincial and federal governments cooperate with the commission and immediately transfer and suspend the officers identified by it. Any reluctance by the government to implement ECP directions will make the entire electoral process suspect.  
  
Generally, the superior courts exercise restraint in hearing petitions challenging the ECP during an election cycle. Such restraint would go a long way in establishing the long-needed writ of the ECP. The writer is president of the Pakistan Institute of Legislative Development And Transparency president@pildat.org Twitter: @ABMPildatrequired by the rules, and the calls were not responded to, almost all of them said that their phone batteries were dead.  
  
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