**Election bells tolling**

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Pakistan is transiting through a critical phase of its chequered history at the conclusion of which it will be determined whether it is to function in conformity with the strictures of the constitution, or whether gangs of absconders, alleged criminals and under-trial accused people, conspired into positions of power, shall continue using their clout to frame their own laws and forcing them upon the country and its people.

Going through pages inscribed with the history of the past 75 years, one finds that virtually none of the players across political divides, among pillars of the state encompassing, executive and judiciary, and those who have held the reins of power, can escape censure for the role they played through prolonged periods in bringing the country to the brink of the precipice where it is now perched holding a begging bowl for the world to pour some coins in. There is a high level of humiliation that every conscientious citizen of the country would feel at this juncture, but there is also a brewing hope that we are here watching it when a ray of light may begin to shine at the end of the dark tunnel.

Notwithstanding the unnecessary controversy that was generated, the Supreme Court has spoken with authority in quashing the Election Commission of Pakistan Order of March 23 regarding postponing the holding of elections in Punjab on April 30 as ordered by the apex court to October 10 as “unconstitutional, without lawful authority and jurisdiction, void ab-initio and of no legal effect”. This not only brings to end the seemingly remorseless and sordid chapter of individuals holding sway over institutions, but also paves the way for the judiciary to ride out the phase recognized by its subservience to a much-reviled doctrine of necessity and embrace the principle of justice in its absolute and uncompromisable entirety.

Equally important is the decision of a six-member bench of the SC supporting the registrar’s circular to disregard Justice Isa’s contention to postpone hearing in cases instituted under Article 184 (3) of the constitution. Smelling an opportunity to divide the apex court as per the past practices of some of its stalwarts, the government had acted in unwarranted haste in recalling the services of the registrar.

It must also be noted that none of the (so-called dissenting) SC judges had raised any objection to the constitutional deadline of 90 days for holding elections in case a provincial assembly is dissolved. They had only raised issues regarding the powers of the chief justice in taking suo-motu notices and constituting benches to hear various cases. This matter has also now been disposed of by the six-member bench.

But the efforts to divide the judiciary continue unabated, only the tactics have changed. The strategy of buying full courts and judges is now replaced with showing open defiance to the apex court’s judgement. At an emergency meeting of the federal cabinet, the government decided not to accept the SC adjudication, calling it “murder of justice”. There was much swearing on the floor of parliament with treasury members vowing to restore their version of the constitution and the rule of law. The ‘judicial murder’ of late Zulfikar Ali Bhutto was erroneously recalled as a parallel to this latest judgement of the SC.

Now that the apex court has also released an election schedule for the ECP to follow, does a policy of open defiance, as announced by the government, augur well for its own political future, or is it merely interested in creating a constitutional crisis by using such tactics to subvert the holding of elections on May 14? In fact, throughout the period since the dissolution of the Punjab and Khyber Pakhtunkhwa assemblies, the government has repeatedly expressed its reluctance to hold elections owing to abjectly flimsy pleas. This runs contrary to the earlier provocative proclamations of a host of their leaders that elections to the assemblies, once dissolved, would be held swiftly in accordance with the constitutional provisions.

The reality is that the government never intended to hold elections. They never even thought that the assemblies would be dissolved because forfeiting instruments of power has no place in their political parlance. Holding on and perpetuating such instruments is the strategy that they have always employed. That is why they have traditionally hoisted family fiefdoms upon the country where the power cycle runs exclusively from parents to their progeny.

What are the potential consequences of the defiance policy of the government? The SC order is categorical in this regard: “The federal government shall, forthwith, and in any case by April 10, release and provide to the (Election) Commission funds in the sum of Rs21 billion for the purposes of the general elections to the Punjab and Khyber Pakhtunkhwa assemblies. The (Election) Commission shall, by April 11, file a report to the (Supreme) Court stating whether the said funds have been provided and received and, if so, whether in full or in part”.

It has been further stated that, if funds are not provided, or there is a shortfall, the “court may make such orders and give such directions as are deemed appropriate to such person or authority as necessary in this regard”. Holding the errant in contempt of court would be a natural prospect. The possible affected persons would include the prime minister and his cabinet members, caretaker chief minister of Punjab, chief election commissioner, and the secretaries of interior and defence. The authorities include the federal government, ECP, and all other respondent institutions. The apex court empowerment is derived from Article 190 of the constitution which states that “all executive and judicial authorities throughout Pakistan shall act in aid of the Supreme Court”.

Though the ECP has since released the election schedule, the government is determined not to hold elections. It never was. Fearing a hammering at the hustings, the parties of the coalition will do everything to sabotage the SC judgement, not even excluding an outright clash with the institutions. But they forget that, in their bid, the combined will of the people is the most formidable challenge they will have to surmount.

Faced with the prospect of their political demise, the criminal conglomerate is breeding conflict and chaos. For the state to survive, it is imperative that institutions continue operating in accordance with the constitution. It is that time in Pakistan’s history when without let or hindrance all instruments of power, when called upon, should assist the SC in undertaking a constitutional duty.

It is not a prolongation of the dark night that people want to see. They want to behold the rays of light shining across. Elections provide that window. That is where Pakistan’s future belongs. That is where people would reside.

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