**Elections, corruption & voters**

[Dr Ikramul Haq](https://dailytimes.com.pk/writer/dr-ikramul-haq/)

March 7, 2021

“**The usefulness and the mandate of….an elected body under the Constitution have been defeated by continuous and widespread corruption including misapplication of public funds and `horse-trading’, change of loyalties in violation of law by the holders of representative offices for political and personal gains, by the functionaries of the Government, local and statutory authorities functioning under its control..**“**—**[*Federation of Pakistan v Aftab Ahmad Khan Sherpao*](https://cite.pakcaselaw.com/pld-supreme-court/1992/723/)[1992 PLD SC 723].

**All public power is a sacred trust, which is to be exercised fairly, justly, honestly and in accordance with law***—*Supreme Court in [*Workers’ Party Pakistan & Others v Federation of Pakistan & Others*](https://cite.pakcaselaw.com/pld-supreme-court/2013/406/) [PLD 2012 Supreme Court 681]

In the wake of Senate election on March 3, 2021 and allegations of corruption by rival politicians against each other, the voters are further disillusioned about the conduct of party leaders and elected representatives. They have been stunned that Prime Minister in his televised [address](https://www.youtube.com/watch?v=kuV0JNsXseA) on March 4, 2021 admitted: “**Many** **PTI members were bought**”. This statement and leakages of [videos](https://www.youtube.com/watch?v=kuV0JNsXseA) of 2018 and 2021 Senate elections of horse-trading has discredited the entire system. After confession by the Premier of electoral corruption and evidence available, the culprits must face criminal proceedings. Mere expulsion of defiant or allegedly corrupt members from Pakistan Tehreek-i-Insaf (PTI) by the Premier in 2018 has proved ineffective.

Perpetual violation of laws and committing corrupt practices by some elected politicians defy all norms of democracy. These undesirable practices are not confined to any particular political party. In theory, Pakistan is a constitutional democracy, but in practice it is an embodiment of kleptocracy. Favouritism, nepotism, corruption and using money or other tactics to secure change of political loyalties have been part of our political culture/governance under both military and civilian rules alike.

The agencies responsible to fight these menaces, National Accountability Bureau (NAB), provincial anti-corruption departments, Federal Board of Revenue, Federal Investigation Agency and Election Commission of Pakistan (ECP), have all failed to perform their duties. They have never bothered to establish a joint task force to counter financial crimes posing serious threat our internal security and hampering economic growth.

The menaces of [corruption](https://www.cmi.no/publications/file/1040-political-corruption.pdf), horse-trading, and various [financial crimes](https://surkhiyan.pk/fatf-pakistans-tough-test-in-june-2021/) are persisting in Pakistan for decades. The issue is not acceptance of their existence, as done by our Premier, but how to uproot them. In their presence, the successful vote of confidence securing 178 votes on March 6, 2021 or any future elections have become meaningless.

In India on January 27, 2016, Justice AB Chaudhari of Nagpur Bench of the Bombay High Court, in a landmark [judgement](file:///D%3A%5CMy%20Documents%5CForeign%20Case%20Laws%5CPralhad-Corruption-Strictures%20%281%29.pdf) passed stricture against the Government “**for turning a blind eye to the rampant corruption in the country**”. Justice Chaudhari, in his order in [*Pratap  s/o Tanbaji   Pawar v State of Maharashtra*](file:///D%3A%5CMy%20Documents%5CForeign%20Case%20Laws%5CPralhad-Corruption-Strictures%20%281%29.pdf) pointed out that “**corruption has become the order of the day and** **voters are helpless victims of the sordid state of affairs**”. The same was held by Supreme Court of Pakistan in [*The State* v *Anwar Saif Ullah Khan*](https://cite.pakcaselaw.com/pld-supreme-court/2016/276/) as under:

“*The shocking state of affairs detailed above has left us in no doubt whatsoever that the case in hand was not a case of a mere irregularity in appointments but was a case of the respondent willfully bulldozing the regular procedure…appeasing his political friends….at the cost of public funds he was meant to serve and protect. We have, thus, been surprised to find that the Lahore High Court, Lahore had concluded that there was no criminal intent…and … trashing of due process ….was merely an irregularity which did not constitute any criminal offence*”.

**The Prime Minister is treating those allegedly engaged in horse-trading/corruption as mere turncoats instead of as criminals, to be punished suitably as Supreme Court did in the above case. Premier keeps on admitting that some members of PTI were y bought. If this is the case, there is abetment by not asking NAB investigate and take action after due process of law**.

Mian Muhammad Nawaz Sharif, convicted/disqualified ex-Prime Minister of Pakistan, in a private gathering, reportedly [said](https://dailyausaf.com/latestnews/2017-11-29/63933): “**Even if my assets do not commensurate with my sources, it is none of your concern**”. Coming from three-times elected Prime Minister, this was really shocking. Same was the attitude of Asif Ali Zardari, ex-President of Pakistan, when he [told](https://www.dawn.com/news/1442884) a show host, “**the authorities will have to prove that I went to open fictitious bank accounts in the name of some milkman or sweetmeat seller, only then can a case be registered against me…..Even then, I can defend the case….Yes I have deposited money in this account, it is my wish**“. When the show host asked the former president, “**What about the poor fellow who has no idea about any of this**”, he responded: “**Then it is his fault**“.

The above statements by two persons holding high public offices testify to our prevalent decadent political culture as well as acceptance of corruption as a way of life [[**Our true “VIPs” and tax evaders**](https://dailytimes.com.pk/357944/of-true-vips-tax-evaders/)*,**Daily Times*, February 24, 2019]. Are these leaders elected to openly challenge NAB by claiming: “[**you have no right to make us accountable as this right lies with the people of Pakistan**](https://www.usip.org/publications/2020/08/current-situation-pakistan)”. Now it is for the voters to decide whether to keep on electing them or finally, reject them.

The powerful in Pakistan not only make mockery of laws, but also squander tax money for self-aggrandisement. They enjoy unprecedented tax-free perquisites and benefits, foreign visits and luxurious living at the expense of the national exchequer. The institutions that have to generate taxes, check corruption, make public officeholders accountable and safeguard public funds, are captive in their hands.

It is universally accepted that democracy and rule of law go hand in hand and without transparency and accountability both remain mere clichés. It is a constitutional obligation for persons aspiring for membership of Senate or assembles to be honest and sagacious. If as candidates for contesting elections and after being elected as custodians of public trust, they commit corruption or guilty of wrong declarations of their assets/liabilities or avoid paying any dues (taxes or others), exemplary punishment should be awarded.

There is formidable resistance from our politicians against establishment of an independent anti-crime authority, as [National Crime Agency](https://www.nationalcrimeagency.gov.uk/) of United Kingdom, we follow its model of democracy. They know that such a body would expose their corruption and other malpractices. The way forward is that political parties should be forced under law to file income tax returns disclosing names of contributions by members, donors and financiers. Once this is made mandatory, they would have no option but to select for elections only those candidates having truthful tax declarations. The process of filtration within the parties is a necessary step towards a transparent and fair process of electioneering as ordained in various provisions of the [Constitution](http://na.gov.pk/uploads/documents/1566986522_519.pdf). The Premier blaming ECP for not tracking the secret ballot is against Article 226 of the [Constitution](http://na.gov.pk/uploads/documents/1566986522_519.pdf). If, according to him, some PTI members were bought, he should put his own house in order sending their cases to ECP and NAB for disqualification/punishment under the law.

***The writer, Advocate Supreme Court, is Adjunct Faculty at Lahore University of Management Sciences (LUMS)***