**Free & Fair Elections**

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During the hearing of a petition seeking the holding of elections to the national and provincial assemblies simultaneously within ninety days of the dissolution of the assemblies/assembly, CJ Qazi Faez Isa made a very pertinent remark: If holding free and fair elections was the responsibility of the Election Commission, then what was the need for a caretaker government?
It is probably relevant to mention that a caretaker government was not mentioned in the 1956, 1962, and 1973 constitutions of Pakistan. The concept of a caretaker government was added to the 1973 constitution by General Zia ul Haq through the Revival of the Constitution of 1973 Order 1985. The setting up of a caretaker government is not a constitutional requirement anywhere in the world.
The stated objective of the caretaker government was overseeing the electoral procedure that was just and unbiased. It encompassed the enforcement of steps to hinder any fraudulent activities related to voting and verifying the precision of the voter registries. The basic purpose, as envisaged, was to assist the Election Commission in holding free and fair elections. If we look at the history of elections since the introduction of the caretaker government, we get a very dismal picture regarding fulfilling the objective of forming a caretaker government. The elections held since then have caused turbulence in the political system, and the authenticity of the results has invariably been challenged by the parties losing the elections. Imran Khan accused the interim government in Punjab of manipulating results in favor of PML (N) in the General Election of 2013. The same was said by PML(N) and other political parties when, according to the announced results, PTI emerged as the single largest party in the 2018 General elections. The country is still suffering from political instability that resulted from these elections.
The problem actually lies in the single-constituency system of electing legislators. Since the Election Commission has to depend on the provincial administration to provide personnel to supervise the polling, there remains a strong possibility of the provincial administration manipulating the results of the elections in favor of a party or a particular candidate in a constituency. The by-election in NA-75 during the PTI government bears ample testimony to this reality. In the number game for forming the government, all kinds of machinations are used to clinch political power. Since the Election Commission does not have its own staff to conduct the polling, it cannot do much to prevent rigging and manipulation of the results.
The phenomenon of rigging and manipulating election results can be stopped only through a switch to the Proportional Representation system. That would also eliminate the need for a caretaker government. The single-constituency system promotes an elitist political culture and further strengthens the feudal character of our political system. There is, therefore, a need for breaking the hold of the feudal lords and elitist classes on political power in the country by adopting the system of proportional representation.
Under this system, people vote for the parties rather than the individual candidates in a single constituency, and the parties get representation in the parliament based on the percentage of votes that they poll. The advantage of this system is that it reflects the real support for the political parties among the masses and also ensures the presence of smaller and regional parties in the parliament, making the legislature a truly representative body.
The party leaders are spared the blackmail of the electable, and they can nominate really competent and educated people from different walks of national life to represent the party in the parliament. The system also eliminates the possibility of horse-trading and floor-crossing for personal gains. To make this system really workable, voting will also have to be made compulsory so that every registered voter can exercise his right to franchise. The Elections Commission may make use of the latest technologies to ensure that every registered voter casts his vote without any hassle instead of relying on the provincial administrations to provide personnel for supervising the elections.
The possibilities of unnecessary wrangling between the political parties on matters like the date of elections must also be removed permanently. Like in the US, the parties must agree on one date on which the election will be held after every five years, and the matter should no longer be the prerogative of the sitting government to decide.
Corruption is also a significant factor contributing to political instability in the country. Therefore, there is an imperative need for the elimination of corruption in the bureaucracy and at higher echelons of the government. It can be accomplished by doing away with discretionary powers at all levels.
All the suggested changes will have to be effected through amendments to the constitution, as it would be in the larger national interest as well as political parties vying to win public franchise. The parties have already shown commitment to national causes by unanimously carrying out the Eighteenth, Nineteenth, and Twentieth Amendments in the constitution and also giving their blessings to the adoption of the 7th NFC Award. They must show the same zeal and dedication in changing the system on the foregoing lines to put the country on the course envisioned by the Quaid. Maybe it is not possible to carry out these amendments in a short span of time before the elections as it would require an exhaustive process of deliberations; therefore, the parties can take up these issues after the elections and have the changes effected within six months and then go to the polls again under the reformed system.
The Supreme Court, during the hearing, has also suggested that the parliament may like to deliberate on the issue of a caretaker government and other contentious issues. Einstein has rightly said that doing the same thing again and again and expecting different results is insanity. No matter how many elections we hold under the prevalent system, things are not going to change for the better.