**Protecting the Senate**

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February 14, 2021

As debate rages on over the method of conducting elections to the Senate, the announcement of each party’s Senatorial candidates has highlighted another important problem––one that threatens the sanctity and purpose of Pakistan’s upper house of Parliament.

Constitutionally, the Senate exists as a safeguard that protects the rights of minorities from the legislative excesses of the majority, by ensuring no single province can override the views and demands of other provinces. Hence, our bicameral legislative system provides for a majoritarian lower house, in which provinces are represented based on their proportion of the country’s population, and a counter-majoritarian upper house, in which each province is represented equally. The purpose is to ensure that no single province is marginalised or neglected, and that each province has an equal say on legislation, at least in the Senate.

The entire purpose is defeated when political parties field candidates from provinces to which they do not belong. When a Senator is elected from a province where he or she has never been domiciled, a representative imbalance is created. While all provinces would still have an equal number of seats on paper, in reality, one province would have greater real representation than the others.

[Myanmar deploys military tanks amid anti-coup protests](https://nation.com.pk/16-Feb-2021/myanmar-deploys-military-tanks-amid-anti-coup-protests)

It isn’t difficult to pinpoint examples of this practice in our recent parliamentary history. For instance, in the 2015 Senate elections, a politician from Sindh was elected to the Senate from Islamabad Capital Territory (ICT) on a ticket of the PML-N. In the same year, a PPP politician from Punjab was elected as a Senator from Sindh. This time around, the story is no different. In the upcoming elections, the PPP has again nominated a politician from Punjab for a Senate seat from Sindh.

While the Constitution is clear on what the Senate is supposed to be, to this day, there are ways around the legal framework that is meant to protect and preserve the Constitution’s intent. Article 62 of the Constitution requires that a person contesting a Senate election from a province must be enrolled as a voter in any area of that province.

Voter enrolment, in turn, is determined by the temporary and/or permanent address on a citizen’s NADRA-issued ID card, as provided in Section 27 of the Elections Act, 2017. As a result, it remains far too easy for politicians to have their vote transferred to another province just before an election. The Election Commission of Pakistan (ECP) needs to review the legal framework provided in the Elections Act, 2017. There has to be a viable legal barrier that bars politicians from having their vote transferred to another province just before a Senate election.

[Nigeria’s Ngozi Okonjo-Iweala named new WTO chief](https://nation.com.pk/16-Feb-2021/nigeria-s-ngozi-okonjo-iweala-named-new-wto-chief)

While not being illegal, this practice remains in conflict with the spirit of bicameralism, as envisioned in the Constitution. This can create serious political issues.

Lack of proper representation can lead to feelings of marginalisation, resulting in certain provinces feeling disenfranchised. The natural outcome of this would be a weaker federation. Perhaps more importantly, this practice can result in a lack of required reform. How can one expect a Senator from Balochistan who is not even from Balochistan to advocate for reforms that merit the most urgent attention in the province? The appropriate issues can be taken up and the relevant legislation introduced when a Senator is from the province he or she represents, and consequently, is more in tune with the will of the people of that province, and feels accountable to them; the expectations of the public, through their representative Senator, should guide reform, legislation, and debate in the Senate. The result will be a more inclusive, representative, and accessible democratic structure.

[Lavrov accuses EU of breaking ties with Russia](https://nation.com.pk/16-Feb-2021/lavrov-accuses-eu-of-breaking-ties-with-russia)

But the issue isn’t merely legal or political. It also poses a few ethical questions.

Senators, despite being indirectly elected, are meant to represent the people of their province. Wouldn’t it be unethical for a politician to claim to represent a province in which he or she has never even resided? Furthermore, if an MPA is elected by the people of a province, isn’t it that MPA’s moral duty––towards those people––to elect a Senator who truly represents their province?

Here, our MPAs must be absolved of some share of the burden of responsibility. This is because while MPAs are responsible to their people, they are also responsible to their political party and have an obligation to vote for its senatorial candidates, whoever they may be.

Hence, the onus to end this practice lies mainly with the leadership of our political parties. This has been happening under their watch and with their consent, simply because it is politically convenient and legally possible. All major parties should devise some internal criteria that qualifies a person to run for the Senate from a particular province. The criteria could cover a person’s ancestral roots, residential and work history, and even service to that particular province.

[Erin Holland marries Ben Cutting](https://nation.com.pk/16-Feb-2021/erin-holland-marries-ben-cutting)

The only existing criteria is one that leads to an unrepresentative Senate; those who please their party leadership are handpicked for the Senate nominations, even if that means imposing representatives who are not from a province, onto the people of that province. Our political leadership must wake up to the importance of the Senate as a constitutional safeguard that is integral to the unity of Pakistan.

In a federal structure such as ours, where a conscious effort has to be made to ensure all provinces work together through cooperative federalism, the sanctity of the Senate must be preserved and it must be allowed to fulfil its purpose, in letter and in spirit. Each province must be represented by Senators who are, or have been, domiciled in that province. That is what the Constitution says. That is what morality demands. And that is what binds our federation together.