**Senate Elections 2021**

[Ikram Sehgal](https://dailytimes.com.pk/writer/ikram-sehgal/" \o "More Articles by Ikram Sehgal)

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In the Upper House of Parliament in Pakistan, the Senate discusses proposed laws and votes on them just like MNAs do in the Lower House, the National Assembly (NA). Among the tasks of the Senate is to scrutinize the work of the Government with regard to legislation, introduce and debate laws and make recommendations on the Finance Bill. Unlike the MNAs who are directly elected, Senators are indirectly elected through a system of proportional representation, therefore they have different powers than MNAs. To quote my article, “Five Decades as a Republic”, of Mar 23, 2006 “All elected posts must be contested through direct elections e.g. elections to the Senate, post of President and PM, etc. It is the right of the masses to choose whom they want as their leaders, not standing reminder that in its present form democracy is a hypocrisy. The Senate must be credible in any Federal Republic like Pakistan, all posts being truly representative of the people”. This is further amplified by another article of mine, “A Federal Election System” of Nov 17, 2017. “Subject to fraud and manipulation, indirect election to this enduring disgrace only serves to perpetuate feudalism, it is an insult to the concept of democracy.”

In “Blindly following the Constitution,” of Nov 13, 2014, I said, “Indirect elections for our ‘democratic’ version of the British House of Lords, is a shameful disgrace. The ‘auction’ for Senate seats is an insult to the name of democracy”, unquote. ‘Majority Vote’ and ‘proportional representation’ are the basic requisites of any democracy” and secret ballot based on Article 59 (2) of the Constitution. Proportional representation means that the number of seats of political parties in the Senate should be according to the number of their seats in the Provincial Assemblies. Unfortunately, that secrecy of the ballot has in the past been misused by “horse trading” with bags of money changing hands to buy votes. Some very rich and influential individuals who otherwise would never have been elected in an exercise of adult franchise at any level entered the Senate on the strength of their money and/or power. Our indirectly elected Senate does not have the reputation an Upper House should because of blatant “horse trading” for votes by a number of individuals of bad repute. To quote my article “The Indirect Fraud” of Mar 16, 2018, “The vote purchasing going on unabated over the years continues as a horror story. Can anyone explain the travesty why the Senate resembles the un-elected House of Lords rather than the directly elected US Senate?

Only those who put money-making above national interest sell their votes and only those who cling to power try to buy votes that otherwise would not come to them. Secret ballot aides and abates this

Writing about the British House of Lords in the Telegraph in August 2015, Leo Mckinstry could well be talking about the Pakistan Senate, “the continuing survival of the Lords is an indictment of the cowardice and inertia in British politics. Such an obese, obsolescent body should have no place in a modern democracy. …. every argument used to justify its existence is wrong. Its supporters like to pretend that it is packed with wise elder statesman, brilliant experts and distinguished public servants. This could not be further from the truth: most if its members are souped-up councillors, political apparatchiks, failed MPs and party donors. ”Indirectly elected individuals becoming the electoral college for an indirectly elected President further corrupts the system. Most high officials in the Roman Republic, including members of the Senate, came from a few wealthy and noble families. A minority of powerful Romans got overwhelming control through a system of gerrymandering. Our indirectly elected Senators not having claims to electability because of their popularity, competence and/or integrity through universal franchise, are they really any different from the 20 centuries-old Roman Senate?

The 2021 Pakistani Senate election will be held on 3 March 2021. The Election Commission of Pakistan (ECP) has announced the election schedule to elect 52 of the 104 Senators in place of those retiring on 7 February 2021.Prime Minister Imran Khan and the ruling PTI have been trying to establish the principle that Senate elections should be held through an open transparent ballot instead of the anomaly of a secret vote as mandated by the Constitution. With the government promulgating a Presidential Ordinance to hold the Senate election through an open ballot, the main opposition parties have been crying foul. Senior leaders of the PPP and PML(N) described the government’s move as an attack on Parliament and the Constitution. The decision for introducing a Presidential Ordinance was taken after the Opposition staged a demonstration in the National Assembly (NA) and blocked the passage of the Constitution Amendment Bill, tabled by the government for holding Senate polls through the open ballot. In its attempt to prevent another round of ‘horse trading’, utterly incompatible with the spirit of democracy, a Presidential Reference was then presented to the Supreme Court (SC) of Pakistan requesting the weighing of the options for an open ballot.

A five-member bench of the apex court headed by Chief Justice Gulzar Ahmed asked the ECP to present a scheme to get rid of corrupt practices in the election of the Upper House. The ECP replied that according to Article 226 of the Constitution, Senate elections could be held through secret voting only and that votes for the Senate elections would “always remain secret” and the votes that were cast could “not be shown to anyone”. Justice Ejaz Ahsan remarked that the ECP was “talking about secrecy from now till the Day of Judgement” and such a thing was not written in the law, the Constitution or court judgements. He also maintained that the secrecy of the vote ended after it was cast. In addition, the learned Judge doubted that electronic voting even could be kept secret because everything done on the internet can be traced. Justice Ahsan questioned how the ECP would ensure proportional representation in the Upper House of Parliament, saying that if any party got a smaller number of seats in the Senate as compared to its seats in the Provincial Assembly it would violate the spirit of the constitution.

A new system for buying and selling of votes has been seen in the videos that are posted in the net that showed some parliamentarians sitting in front of it and counting stacks of cash reportedly ahead of the Senate elections in 2018. “Money earned from narcotics and other black means are being used to buy and sell votes,” the court was told.

What was really shocking was to hear PPP stalwart Raza Rabbani argue in the SC against open ballot; with sheer hypocrisy he thus blatantly defended the corruption associated with his party’s hierarchy, not only in general perception but targeted in multiple cases by NAB. Take the double standards of PPP and PML(N) who signed in 2006 in London the ‘Charter of Democracy’, they had then pompously declared in para 23 “To prevent corruption and floor crossing all votes for the Senate and indirect seats will be by open identifiable ballot” with sanctions attached to those who would violate party discipline. These were only empty words as neither party attempted to introduce them while in power from 2008 to 2013 (PPP) and then from 2013 to 2018 (PML(N)). In fact, the two major Opposition parties are openly and vociferously agitating against supporting such a genuine endeavour when the PTI is trying to prevent further selling and buying of votes. Agitating this U-turn is symbolic of their hypocrisy seen in their reaction to election results, while they celebrate their wins with great fanfare and rhetoric, when they lost they call those elections fake and rigged. Only those who put money-making above national interest sell their votes and only those who cling to power try to buy votes that otherwise would not come to them. Secret ballot aides and abates this. The hearing of the Presidential Reference is still going on and the final verdict is not known. If one were to go by the remarks rendered by the Honourable Justices during the hearings, the SC is leaning toward allowing open ballot because “Political alliances are not hidden and democracy will remain a dream unless the current voting method is changed”. On the other hand, the CJP did remark quite pointedly that it was the Parliament’s prerogative to change the ballot from secret to open.

Continuing with the prevalent system of the Senate elections is tantamount to allowing the elected representatives to violate the discipline of their respective parties, the court observed. The SC of Pakistan with its forthcoming verdict on the Presidential Reference has the chance to change this horse-trading and do a great service for Pakistan and democracy.

*The writer is a defence and security analyst*