**Are caretaker setups needed?**

Hassan Hakeem

Friday, Oct 20, 2023

As the 15th National Assembly completed its term, the transition to the caretaker government has been marred with political chaos, free-falling economic meltdown and growing security threats from within and outside.

One constant in the last 18 months has been growing distrust of the public in the political system. Political parties also share this distrust with continued allegations of electoral mismanagement, rigging and fraud against the predecessor government.

The PTI, even after forming the government in 2018, continued to raise issues of pre-poll manipulation and accusations of interference by various powerful elements. As we move into another election cycle, it is necessary to review past mistakes and allow for new practices. It is equally important to understand the primary concern centered around the establishment of a ‘political interim’ government, or is the emphasis on achieving a smooth transition of power without such an arrangement?

In examining Pakistan's democratic evolution, it becomes apparent that the institution of caretaker governments may not be the most effective means to ensure electoral integrity. Understandably, the caretaker government is mandated to oversee smooth transition of power through free, fair and peaceful conduct of elections while simultaneously maintaining governance. It also necessitates an equitable playing field where all political parties can compete freely, devoid of concerns about violence, rigging, targeting, or bias. However, reliance on caretaker governments to oversee the transition of power between elected administrations has its own set of challenges. It can potentially disrupt the continuity of governance and create an environment of uncertainty by self-extending its mandated tenure. Additionally, the appointment of caretaker governments could inadvertently open avenues for political maneuvering and manipulation.

Considered the bloodiest elections in Pakistan’s history, the 1970 general elections, and the subsequent reluctance to transfer power to the majority seats winner Sheikh Mujibur Rahman’s Awami League. What followed had a lasting impact on the country. This also led to General Zia’s 13th constitutional amendment that introduced the concept of caretaker governments. Ever since, caretaker governments have largely been accused of electoral misconduct in each transitional phase of Pakistan's political history.

In 1988, under the caretaker government led by the then president Ghulam Ishaq Khan, the first general elections were held after the end of General Zia's military rule. Extensive allegations of rigging and electoral irregularities were raised, particularly in Punjab and Sindh. The PPP accused the caretaker government of favouring the Islami Jamhoori Ittehad (IJI) alliance, which was seen as an ally of the establishment. Several constituencies in Sindh and Punjab became key battlegrounds between the PPP and its opponents.

The 1990 general elections held under the caretaker government of Ghulam Mustafa Jatoi witnessed widespread allegations of rigging. The PPP lost to the IJI amid accusations of support from the establishment under a hotly contested general election. The 1993 general elections witnessed another round of allegations of pre-poll manipulation, voter intimidation and electoral fraud; putting the caretaker government led by Moeen Qureshi in the center of a scandalous election that witnessed clashes between political activists. The PPP accused the caretaker government of favouring the IJI. Subsequently, the elections were nullified, and a new election was called. The caretaker government stayed for 132 days, well beyond its mandated duration.

The 2002 general elections were held under the administration of a caretaker government led by Mir Zafarullah Khan Jamali; this was followed by the 1999 military coup. The caretaker government was unable to guarantee a level playing field with political victimization of the PML-N’s top leadership, while Benazir Bhutto was also in exile.

The 2008 general elections, after the end of General Musharraf's regime, were generally considered to be more transparent compared to previous elections, there were still allegations of irregularities in some constituencies. The 2013 general elections were held under a caretaker government led by Prime Minister Mir Hazar Khan Khoso. Around 148 terrorist attacks were reported across the country, making this another bloody election that targeted political parties (it claimed the lives of at least 117 people including candidates).

The 2013 elections marked the first-ever democratic transition of power in Pakistan. The elections were praised by international observers for their relatively improved conduct. There were still some allegations of irregularities and rigging, particularly in certain constituencies across Punjab and Khyber Pakhtunkhwa. Simultaneously, the last decade has also witnessed how the struggle for democratic governance reached a significant milestone with the restoration of democratic institutions, devolution of power from president to parliament (and provincial governments), efforts to strengthen the electoral process with key reforms to enhance transparency and inclusivity.

While these recurring allegations of electoral mismanagement and rigging during periods of caretaker governments in Pakistan have continued, this has contributed to political polarization and constant mistrust in the electoral process. Chronic widespread electoral malpractice, extreme political polarization leading to violence, demand further electoral reforms before the elections to safeguard the sanctity and power of the ballot.

What are alternative mechanisms to ensure a smooth transition of power without resorting to caretaker administration? In Bangladesh, the concept of a caretaker government was used for some time to oversee the electoral process and maintain stability during transitions between elected governments. However, since 2010, as a result of a series of political controversies and disputes surrounding various caretaker governments, Bangladesh has abolished the caretaker system through a constitutional amendment. Under the current system, general elections are conducted by the Election Commission, which is solely responsible for overseeing and leading the entire electoral process. The amendment established a new framework for conducting elections, emphasizing a central role of the Election Commission in ensuring free, fair, and transparent elections.

This move away from the caretaker government system is seen as significant for Bangladesh's democratic evolution, as it marked a shift towards a more conventional electoral system where elections are held at regular intervals without the need for an interim or caretaker government. Each preceding political government is responsible to ensure a smooth and peaceful transition of political power to the incoming party.

Similarly, in India, when general elections are held, there is no formal provision for the establishment of a caretaker government. Instead, the sitting government continues to function until the newly elected officials are sworn in.

Instead of entrusting electoral and governance responsibility to an interim body, it is imperative to explore alternate mechanisms that uphold principles of fairness and transparency in elections. This may involve strengthening existing accountability within the electoral system, fostering an independent judiciary, and empowering impartial Election Commission. By reevaluating the necessity of caretaker governments, Pakistan can potentially forge a smooth, reliable and trustworthy path towards democratic governance.

The onus of responsibility also lies on political parties and the Election Commission to uphold the principles of transparency, accountability, and fairness in the electoral process. To expect this puts the ECP and its powers to deliver with autonomy at the centerstage. The recent action of the ECP regarding the politically affiliated caretaker cabinet of the KP government, and hearing of a petition seeking removal of ‘biased’ members of the federal cabinet are all steps in the right direction to ensure a fair electoral process. However, this would require a lot more to be done.

The responsibility for response and action in the face of human rights disruption in pre-poll, poll and post-poll period lies with the ECP. Stricter and proactive administration of the voter registration process including the missing 10 million women voters (or more), ballot access and certification, election security and integrity, delimitation to ensure fair and equal representation, timely announcement of the elections results, but also ensuring compliance with law and order. While the nightmare of the 1970 elections and what followed cannot be relived, it is essential that all political parties agree to a system of fair and peaceful transfer of power.

If we were to eliminate the notion of a caretaker government for the smooth transition of political power between parliaments, it would also necessitate a consistent holding of local government elections without interruptions. Commitment to upholding transparency and credibility in the electoral process is fundamental to strengthening democracy in Pakistan.

The writer works on gender and governance. He tweets/posts @Hassanhakeem87

The views expressed here do not reflect those of any organization.