

BACKGROUND PAPER

February 2007

Election in Pakistan

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Printed in Pakistan

First Published: February 2007

ISBN:978-969-558-032-5

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Printed by: Son Printers, Lahore

Published by



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CONTENTS

Acronyms and Abbreviations
Foreword & Acknowledgments

Brief Political History of Pakistan	06
Past Elections in Pakistan	09
Current Electoral System in Pakistan	12
Electoral Trends	14
Major Political Parties and their Historical Performance	17
Next Election and Key Debates	22
Figures & Tables	
Figure 1: Voter Turn-out Trend in Pakistan	14
Figure 2: Registered Voters (in Millions)	15
Table 1: Historical Voter Turn-out in Selected South Asian Countries	15
Table 2: Candidates for the National Assembly	16
Table 3: Registered Political Parties and Parties Represented in the National Assembly	16
Table 4: Major Political Parties of Pakistan	20

PILDAT
BACKGROUND PAPER

Elections in Pakistan

Abbreviations & Acronyms

ARD	Alliance for the Restoration of Democracy
BD	Basic Democracy
CEC	Chief Election Commissioner
ECP	Election Commission of Pakistan
IJT	Islami Jamhoori Ittihad
JI	Jama'at-e-Islami
JUI-F	Jamiat Ulema-i-Islam-Fazlur Rehman
JUI-S	Jamiat Ulema-i-Islam-Samiul Haq
LFO	Legal Framework Order
MMA	Muttahidda Majlis-e-Amal
MQM	Muttahidda Qaumi Movement
MRD	Movement for the Restoration of Democracy
NSC	National Security Council
NWFP	North West Frontier Province
PML	Pakistan Muslim League
PML-F	Pakistan Muslim League-Functional
PML-N	Pakistan Muslim League-Nawaz
PML-Q	Pakistan Muslim League-Quaid-i-Azam
PNA	Pakistan National Alliance
PPP	Pakistan Peoples Party
PPPP	Pakistan People's Party Parliamentarian
PPPP-P	Pakistan People's Party Parliamentarian - Patriot
PPP-S	Pakistan Peoples Party-Sherpao

Brief Political History of Pakistan

Pakistan gained independence from the British colonial rule of the Indian sub-continent on August 14, 1947. It was divided into two wings, i.e., the East and the West Pakistan, each wing located on either side of the newly independent India and separated by a distance of over 1000 miles.

Since its inception, the political history of Pakistan is a troubled one, marked by ongoing trilateral power struggles among Presidents, Prime Ministers, and Army Chiefs. Military regimes have ruled Pakistan for more than half of its 59 years of existence. The Army enforced Military Governments in the country in 1958, 1969, 1977 and 1999. Since independence, eight (8) General Elections based on adult franchise, have been held in Pakistan. General Elections were held in the year 1970, 1977, 1985, 1988, 1990, 1993, 1997 and 2002. Prior to 1970, indirect election of the National Assembly and the President were held in 1965 under a Presidential Form of Government and a system of "Basic Democracy" under which 120,000 Basic Democracy (BD) members were elected by the people from all over the country. These BD members not only constituted local and municipal bodies but also constituted the Electoral College for the election of the President, the National Assembly and the Provincial Assemblies.

Pakistan started off as a parliamentary form of democracy. Quaid-i-Azam Muhammad Ali Jinnah, acknowledged as the founder of Pakistan, opted to become the first Governor General of Pakistan followed by Khawaja Nazimuddin, Malik Ghulam Muhammad and acting Governor General Iskandar Mirza. The designation of Governor General was later changed to the President. Governor General Ghulam Muhammad dissolved the Constituent Assembly on October 24, 1954. A legal battle ensued but the Federal Court upheld the action of the Governor General. Pakistan's Constituent Assembly passed the first Constitution of the country on February 29, 1956. The Constitution received Governor General's assent on March 2, 1956 and was enforced with effect from March 23, 1956. Parliamentary form of Government was retained in this constitution.

Seven (7) Prime Ministers served from August 15, 1947 to October 7, 1958 in Pakistan. On October 7, 1958, President

Iskandar Mirza, with the help of the Army Commander-in-Chief General Ayub Khan, enforced the first country-wide Martial Law in the country. General Ayub Khan gave a new constitution to the country on March 1, 1962. General Election, under the new constitution, was held on March 28, 1962. On June 8, 1962, the first session of the newly-elected National Assembly was held and the Martial Law was lifted. According to this new Constitution, Presidential form of government and the principle of Basic Democracy were introduced.

Second election for the President and Assemblies were held under the new Constitution in 1965. On March 25, 1969, General Ayub Khan resigned, following widespread and prolonged street agitation against his government, and handed over the power to the Commander-in-Chief of the Pakistan Army, General Muhammad Yahya Khan. The first General Election for the National Assembly, on the basis of adult franchise, was held in Pakistan on December 7, 1970 during Gen. Yahya Khan's rule. Awami League emerged as the single largest party in the Assembly and Gen. Yahya Khan proclaimed its leader Sheikh Mujib-ur-Rehman as the next Prime Minister. Transfer of power was delayed and massive protests erupted in the East Pakistan. The Yahya Government tried to quell the protests by force. The political agitation first turned to struggle for independence by the Eastern wing and then transformed to an armed war for liberation assisted by the neighbouring India.

All this happened against the backdrop of the East wing's persistent complaints of its exploitation at the hands of the civil and military elite of the Western wing drawing its strength from the military which had a majority of the persons from the Western wing. Initially the East Wing demanded provincial autonomy but was denied. The demand for autonomy transformed to the struggle for independence. Indian assistance to rebels in East Pakistan soon turned into a full-scale war between Pakistan and India in 1971. As a result of Pakistan's defeat in the war, East Pakistan became a separate independent state called Bangladesh in 1971. Following the catastrophe, Gen. Yahya Khan resigned and Zulfikar Ali Bhutto, whose Pakistan Peoples Party (PPP) was the single largest party among the remaining members of the National Assembly, took over as President and Chief Martial Law Administrator on

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BACKGROUND PAPER

Elections in Pakistan

December 20, 1971. The Supreme Court of Pakistan ruled after the departure of Gen. Yahya Khan that the Martial Law imposed by him was unlawful but condoned the acts of the Martial Law regime.

During the PPP rule, Pakistan got a new constitution in 1973 which enjoyed a broad consensus among almost all political parties and regions represented in the Assembly. Mr. Bhutto's government called early General Election on March 7, 1977 but this election was generally perceived to be rigged. Street agitation followed against Mr. Bhutto's Government. On July 5, 1977, the then Army Chief General Muhammad Ziaul Haq carried out a coup overthrowing Bhutto's government and enforced Martial Law in the country. However, the 1973 Constitution was not abrogated but was held 'in abeyance'. The Martial Law was again challenged in the Supreme Court but the court upheld the Martial Law on the basis of the 'doctrine of necessity'. Bhutto was tried and hanged during the Martial Law.

After eight (8) long years of Martial Law, Gen. Zia held non-party based polls for the National and the Provincial Assemblies on February 25, 1985. He withdrew Martial Law and restored the constitution after massively amending it. Most of these amendments were later ratified by the Parliament. Although the parliamentary system of government was retained, the President acquired many new powers through the constitutional amendments including the power to dissolve the National Assembly. Gen. Ziaul Haq appointed Muhammad Khan Junejo as the Prime Minister following the election. Because of differences, Zia dismissed Junejo and dissolved the National Assembly on May 29, 1988. Gen. Zia died in a mysterious plane crash on August 17, 1988 and the Senate Chairman Ghulam Ishaq Khan took over as acting President in accordance with the constitution.

Fresh election was held on November 16, 1988 and Ms. Benazir Bhutto of Pakistan Peoples Party was asked to form government after her party emerged as the largest party in the National Assembly. From 1988 to 1999, Pakistan had democratically elected governments, and the Army appeared to have moved from its traditional role of "kingmaker" to one of power broker or referee. Ms. Benazir Bhutto (leader of the Pakistan People's Party) and Mr.

Muhammad Nawaz Sharif (leader of the Pakistan Muslim League-Nawaz) each served twice as Prime Ministers during this period. Ms. Benazir Bhutto's first government and the National Assembly were dissolved by the President Ghulam Ishaq Khan on August 6, 1990 on the charges of corruption, incompetence and nepotism. Dissolution of the National Assembly was again challenged in the court but the Supreme Court again upheld the dissolution.

General Election held on October 24, 1990 brought Mr. Muhammad Nawaz Sharif of Pakistan Muslim League to power as the Prime Minister. He developed differences with President Ghulam Ishaq Khan who dissolved the National Assembly on April 18, 1993 and sent Nawaz Sharif packing. The Supreme Court, this time, declared the dissolution of the National Assembly unlawful and the Nawaz Sharif government was restored.

However, the differences between the President and the Prime Minister persisted and finally the Army Chief brokered an agreement according to which both the President and the Prime Minister resigned and a fresh election was ordered on October 6, 1993. Ms. Benazir Bhutto's Pakistan Peoples Party again won the largest number of seats in the National Assembly and was inducted as the new Prime Minister. Ms. Benazir Bhutto was successful in getting her party loyalist Sardar Farooq Leghari elected as the new President. Differences, however, cropped up between the President and the Prime Minister and as a result President Leghari dissolved the National Assembly and dismissed his party leader Ms. Benazir Bhutto on November 5, 1996. Dissolution of the Assembly was challenged in the Supreme Court but the court upheld the dissolution.

Once again, the General Election took place on February 3, 1997 and this time Mr. Muhammad Nawaz Sharif of the PML-N won a landslide victory. Sharif moved quickly to bolster his power by curtailing those of the President and the Judiciary and he emerged as one of Pakistan's strongest-ever elected leaders. Critics accused him of further consolidating his power by intimidating the opposition and the press.

On October 12, 1999, in response to Sharif's attempt to

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Elections in Pakistan

remove him from his position, the Army Chief Gen. Pervez Musharraf overthrew the government, suspended (and later dissolved) the National Assembly, and appointed himself as the "chief executive" of the country. The Constitution was once again held in abeyance. Musharraf's takeover was again challenged in the court but the Supreme Court once again upheld the take over and directed the military government to hold fresh election not later than 3 years. On June 20, 2001, Gen. Musharraf also assumed the position of the President of Pakistan. He also held a referendum on April 30, 2002 to get a seal of approval from the people of Pakistan for holding the position of the President of Pakistan. This referendum is generally believed to be massively manipulated by the government to achieve the desired results. Subsequently, Gen. Musharraf held Local Government Election from December 30, 2000 to July 5, 2001 in five (5) phases and General Elections across the country in October 2002, as ordered by the Supreme Court. These elections are perceived to be flawed by many in the country and outside. At present, Gen. Musharraf continues to hold the dual offices of the President and the Army Chief.

The 2002 election nominally fulfilled Gen. Musharraf's promise to restore the National Assembly that was dissolved in the wake of his extra-constitutional seizure of power. The pro-military Pakistan Muslim League-Quaid-e-Azam (PML-Q) won a plurality of seats, while a coalition of the Islamist parties, the Muttahidda Majlis-e-Amal (MMA), made a surprisingly strong showing, especially in the NWFP. Mir Zafarullah Khan Jamali of the PML-Q became Pakistan's new Prime Minister on November 23, 2002, heading a coalition government formed with the MQM and a break-away faction of the PPPP. However, the civilian government was hamstrung for more than a year by fractious debate over the legitimacy of the constitutional changes and Gen. Musharraf's continued status as the Army Chief and the President. A surprise December 2003 agreement between Gen. Musharraf and the Islamist opposition, the MMA, ended the deadlock by agreeing to bring the amendments to the constitutional changes before the Parliament in the form of 17th constitutional amendment and by eliciting a promise from Gen. Musharraf to resign from his military office by December 31, 2004. The other opposition parties unified under the Alliance for

the Restoration of Democracy (ARD) accused the MMA of betrayal and insisted that the new arrangement merely institutionalised the military rule in Pakistan, especially after the April 2004 establishment of a new National Security Council.

Other apparent reversals for democratization in the country came in 2004, including the sentencing of the ARD leader Javed Hashmi (Parliamentary leader of the PML-N in the National Assembly) to 23 years in prison for sedition, mutiny, and forgery, and the "forced" resignation of the Prime Minister Jamali for what numerous analysts called his insufficient deference to the President Musharraf. Gen. Musharraf "shuffled" prime ministers and brought in his Finance Minister Mr. Shaukat Aziz as the new Prime Minister. Mr. Aziz is seen to be an able financial manager and technocrat favoured by the military, but he does not have a political base in Pakistan. In the final month of 2004, Gen. Musharraf chose to continue his role as the army chief beyond the stated deadline of December 31, 2004. Later the Parliament passed a controversial law that allowed Gen. Musharraf to continue holding the two offices up to the end of 2007. The next Presidential election is due sometimes between September 15 and October 15, 2007. The next General Election also has to take place no later than February 2008 as per the Constitution.

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Elections in Pakistan

Past Elections in Pakistan

Pre-independence Elections

In 1947, when Pakistan gained independence, a limited elective principle was in practice for more than 60 years. The British rulers of united India introduced the principle of representation for the first time in 1892. Under this system, the non-official members of the provincial legislatures elected some of the members of the Central Legislature. Moreover, the Local-Self Government Boards, Chambers of Commerce and Universities elected a relatively larger portion of the members in the Provincial Legislatures.

First Direct Election in the Country - March 10, 1951

The first direct election held in the country after independence was to the Provincial Assembly of the Punjab, held on March 10, 1951. The election was held for 197 seats. As many as 939 candidates contested the election for 189 seats, while the remaining seats were filled unopposed. The Electoral Reforms Commission observed that the elections in Pakistan were not entirely free and fair.

Election to the NWFP Provincial Legislature - December 8, 1951

On December 8, 1951, election was held to the Provincial Legislature of the North West Frontier Province (NWFP) on adult franchise basis. This election was generally perceived to be massively rigged.

Election to the Sindh Provincial Legislature - May 1953

Similarly, in May 1953, election to the Provincial Legislature of Sindh was held and it was also seen to have been rigged.

Election to the East Pakistan Legislative Assembly April 1954

In April 1954, election was held for the East Pakistan Legislative Assembly, which marked the fall of the Pakistan Muslim League in the East Pakistan and heralded the rise of the Bengali nationalism.

National Election under the new constitution of 1956 was to be held in early 1959. But on October 7, 1958, President Iskandar Mirza, in collaboration with the Army Chief Gen. Ayub Khan ousted the civilian government and imposed Martial Law in the country. On October 28, 1958, Gen. Ayub

Khan made President Iskandar Mirza resign and assumed the office of the President as well. He introduced an indirect method of elections through the Basic Democracy (BD) system. According to this system, the voters elected 80,000 representatives, called Basic Democrats. The first election for BDs was held during the end of December 1959 and early 1960.

Indirect National Election - March 28, 1962

On March 1, 1962, General Ayub Khan announced a Constitution for the country and General Election was held on March 28, 1962. The political parties were banned. A total of 595 contestants were in the field for 150 National Assembly seats and 1,862 candidates for 300 seats for the two Provincial Assemblies i.e., the West Pakistan Assembly and the East Pakistan Assembly. The electoral college for this election was 80,000 Basic Democracy (BD) Members elected by the people through adult franchise.

Another Indirect National Election - March 21, 1965

In October-November 1964, another election was held to elect BD Members. Political parties were allowed to contest the elections. The elected BD members, this time increased to 120,000, formed an Electoral College to elect the President of Pakistan in January 1965's presidential election. Ayub Khan was the candidate for presidency from the platform of the Pakistan Muslim League (Convention), which was founded in December 1963. Ayub was President of the party as well. Miss Fatima Jinnah, the sister of the father of the nation, Quaid-i-Azam Muhammad Ali Jinnah, was the joint candidate of all the opposition parties. Ayub Khan won the elections in both wings of the country and became the elected President of Pakistan. The election was generally perceived to be rigged and the administrative machinery was excessively used to ensure the re-election of the President.

On March 21 1965, election to the National Assembly was held under the BD system, but this time on party-basis. The PML (Convention) secured 120 seats and the opposition secured 16 seats. The rest of those elected were independents (Not affiliated with any political party). Afterwards, the election to the Provincial Assemblies was held. In the West Pakistan, the PML (Convention) won 96 seats, independents 49 seats and the Jama'at-i-Islami one

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Elections in Pakistan

(1) seat. In East Pakistan, the PML failed to secure an absolute majority. It secured only 66 seats while 58 went to the independents and 23 to the opposition parties.

First General Election based on Adult Franchise - December 7, 1970

In March 1969, following an agitation, Gen. Ayub Khan resigned and the Army Chief Gen. Yahya Khan imposed the second martial law in the country. On December 7, 1970, Gen. Yahya held the first-ever General Election in the country on the basis of adult franchise. However, Gen. Yahya Khan did not transfer the power to the single largest party, the Awami League, which secured the maximum seats in the election.

Zulfikar Ali Bhutto's General Election - March 7 and 10, 1977

After four (4) years, on March 7 and 10, 1977, the general elections to the National and Provincial Assemblies were held respectively. The Pakistan Peoples Party was declared a winner of the National Assembly election by a big margin. Immediately after the National Assembly election, the Pakistan National Alliance (PNA) - which was the grouping of all major opposition parties - levelled allegations of massive rigging in the polling and boycotted provincial elections. An agitation followed and on July 5, 1977, Gen. Ziaul Haq, the Chief of Army Staff, imposed the third Martial Law in the country by overthrowing the Bhutto government and seizing power.

Non-party General Election February 25, 1985

On February 25, 1985, Gen. Ziaul Haq held non-party election for the National and Provincial Assemblies. The parties opposed to the Martial Law led by the Pakistan Peoples Party came together under the umbrella of the Movement for the Restoration of Democracy (MRD) and boycotted the polls. Muhammad Khan Junejo was appointed Prime Minister and he later formed a new faction of the Pakistan Muslim League which came to be known as the Pakistan Muslim League - Junejo group or the PML-J within the House. On December 30 1985, the 1973 Constitution was restored along with a number of key amendments which basically gave the president the power to dissolve the assemblies.

On 29 May 1988, President Gen. Ziaul Haq dismissed the Junejo government and all assemblies by using his powers under Article 58(2-b) of the Constitution. On August 17, Gen. Zia died in a plane crash. These developments saw the Senate Chairman Ghulam Ishaq Khan taking over as caretaker President.

General Election - November 16 and 19, 1988

General election was held to the National Assembly on November 16, 1988 and Provincial Assemblies on November 19, 1988. Ms. Benazir Bhutto, Chairperson of the Pakistan Peoples Party, took the oath as the Prime Minister. Later, on December 12 1988, the Parliament and four (4) Provincial Assemblies elected Mr. Ghulam Ishaq Khan as the President of Pakistan for five (5) years.

General Election - October 24, 1990

On August 6 1990, President Ghulam Ishaq Khan dismissed Ms. Benazir Bhutto's government along with the National Assembly and the four (4) Provincial Assemblies. Subsequently, on October 24, the General Election was held to the National Assembly. The PPP alleged that the election was rigged. Former Punjab Chief Minister Mr. Nawaz Sharif took the oath as the Prime Minister of Pakistan as the leader of Islami Jamhoori Ittihad (IJI) led by the Pakistan Muslim League.

General Election October 6 and 9, 1993

On April 18, 1993 President Ghulam Ishaq Khan dismissed the government of Mr. Nawaz Sharif along with the National Assembly. The Supreme Court restored his government but the power struggle led to resignation of both the President and the Prime Minister on 18 July 1993. The Senate Chairman Mr. Wasim Sajjad took over as the acting President.

On October 6 and 9, 1993, General Election was held to the National Assembly and the Provincial Assemblies respectively. Ms. Benazir Bhutto again became Prime Minister of the country. This was the first time in Pakistan's parliamentary history that the nomination papers were filed for the election of the Prime Minister by the National Assembly. Later, on November 13, 1993, Mr. Farooq Ahmad Khan Leghari, a PPP leader, was elected as the President of Pakistan.

General Election - February 3, 1997

On November 5 1996, President Farooq Leghari dismissed the Bhutto government along with the National Assembly and the Provincial Assemblies. On February 3, 1997, General Election was held for the National and the Provincial Assemblies simultaneously. The PML-N won 135 of 204 contested seats. The losing party, the PPP, made allegations of rigging in the results. The PML-N's Mr. Nawaz Sharif was sworn in as the Prime Minister for a second term.

General Election - October 10, 2002

On October 12 1999, the Armed Forces overthrew Mr. Nawaz Sharif's government and the Army Chief Gen. Pervez Musharraf took over as the Chief Executive of the country. After three (3) years of military rule, Pakistan again headed towards some form of democracy with holding of General Election in the country on October 10, 2002. The age limit of voting in this election was lowered from 21 to 18 years and only individuals holding a graduate degree could contest elections to the National Assembly, Senate and the Provincial Assemblies.

With no party emerging with a simple majority, Pakistan faced a hung Parliament. A coalition government was, however, set up with Mir Zafarullah Khan Jamali, the candidate of the PML-Q being elected as the Prime Minister of Pakistan.

Current Electoral System in Pakistan

The Election Commission of Pakistan

The Election Commission of Pakistan (ECP) is responsible for holding election in Pakistan. Article 218 of the Constitution of Pakistan provides for the constitution of a permanent Election Commission. Under the same article, it is the duty of the Election Commission "to organise and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and the corrupt practices are guarded against."

Composition of the Election Commission

According to Article 218 of the Constitution, the Election Commission shall consist of:

- i. the Commissioner who shall be Chairman of the Commission
- ii. four (4) members, each of whom shall be a Judge of a High Court (from each Province) appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Commissioner.

Appointment of the Chief Election Commissioner

Formally, according to Article 213 of the Constitution, the commissioner is called the Chief Election Commissioner (CEC). The Commissioner is appointed by the President of Pakistan, in his discretion. The Commissioner has to be either a sitting or former judge of the Supreme Court or sitting or former judge of a High Court and is qualified to be appointed a judge of the Supreme Court. The Commissioner holds office for a term of 3 years. The National Assembly, by a resolution, can extend the term of the commissioner by a maximum of 1 year. The commissioner can only be removed through a procedure prescribed for the removal of a judge. A person, who has held office as Commissioner, can not hold any office of profit in the service of Pakistan before the expiration of 2 years after he ceases to hold that office.

Duties of the Chief Election Commissioner (CEC) and the Election Commission

The Chief Election Commissioner is charged with the duty of preparing and annually revising electoral rolls for

elections. In addition the CEC appoints Election Tribunals. The Election Commission is responsible for the delimitation of the constituencies of the National and the Provincial Assemblies.

Authority of the Commissioner and the Election Commission

As sanctioned by the Constitution, it is the duty of all executive authorities in the federation and in the provinces to assist the CEC and the ECP in the discharge of his or their functions.

Electoral Laws

Electoral Laws are framed by the Parliament subject to the Constitution. These laws cover the following subjects:

- a. Allocation of seats in the National Assembly
- b. Delimitation of Constituencies
- c. Preparation of Electoral Rolls, the requirements as to residence in a constituency, the determination of objections pertaining to and the commencement of rolls;
- d. Conduct of elections and election petitions; the decision of doubts and disputes arising in connection with elections;
- e. Matters relating to corrupt practices and other offences in connection with elections; and
- f. All other matters necessary for the due constitution of the two Houses and the Provincial Assemblies;

But no such law shall have the effect of taking away or abridging any of the powers of the Commissioner or an Election Commission under this Part.

Eligibility of Voters

Every citizen of Pakistan who is not less than eighteen (18) years of age, is eligible to vote, provided his / her name appears on the electoral roll and he / she is not declared by a competent court to be of unsound mind.

Eligibility of Candidates

Some key requirements of a candidate's eligibility are as follows:

- a. A person shall be qualified to be elected or chosen as a Member of Parliament if he is a citizen of Pakistan and he is, in the case of the National Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in any part of Pakistan, for election to a general seat or a seat reserved for non-Muslims; and any area in a Province from which he seeks membership for election to a seat reserved for women. In the case of the Senate, he should not be less than thirty years of age and is enrolled as a voter in any area in a Province or, as the case may be, the Federal Capital or the Federally Administered Tribal Areas, from where he seeks membership.
- b. He is of good character and is not commonly known as one who violates Islamic Injunctions. He has adequate knowledge of Islamic teachings and practices, obligatory duties prescribed by Islam as well as abstain from major sins. (This condition is applicable to Muslims only)
- c. He is sagacious, righteous and non-profligate and honest and *ameen*
- d. He has not been convicted for a crime involving moral turpitude or for giving false evidence. He has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the Ideology of Pakistan.
- e. The candidate should be a University graduate (14 years of study in Pakistan)

Key Features of the Current Electoral System

Joint Electorate

Elections are held on the basis of joint electorate. Prior to 2002 General Election, a system of separate electorate was practiced under which Muslim and non-Muslim voters separately elected their respective representatives.

First-Past-The-Post System for General Seats

Against general seats, members of the National and Provincial Assemblies are elected on the basis of first-past-the-post system. A candidate who polls the most votes in a constituency is declared elected.

Proportional Representation System for Reserved Seats for Women and Non-Muslims in the National Assembly and the Provincial Assemblies

Election to the reserved seats for Women and non-Muslims in the National Assembly and the Provincial Assemblies is held on the basis of proportional representation system of political parties' lists of candidates in accordance with the provisions of the Election Laws and rules.

Caretaker Government

The President, in his discretion, appoints a caretaker government after the National Assembly is dissolved upon completing its term or earlier till the new elected government takes over. The Caretaker Prime Minister or the Chief Ministers are not eligible to contest the election during which they are appointed as caretaker.

Election Expenses

Election laws prohibit expenses in excess of Rupees 1.5 Million in the case of an election as a member of the National Assembly and Rupees 1 Million in the case of an election as a member of a Provincial Assembly. All candidates are supposed to submit returns of their election expenses to the Election Commission.

Graduation as a Qualification of Candidates

A somewhat unique qualification for the candidates for the membership of the Senate, the National Assembly and the Provincial Assemblies has been introduced in the Election Laws since 2002 election. All such candidates should at least be university graduates (14 years of study as outlined in the education system of Pakistan).

Electoral Trends

Voter turn-out

Average voting turnout in General Elections of Pakistan since 1947 is about 45 per cent. Voter Turn-out was more than 63 per cent in the first General Election in 1970 but in the following General Elections, it gradually decreased until 1997 General Elections. In 1997 General Elections voter turn-out was 35.4 per cent but turnout in 2002 General Election slightly improved to 41.7 per cent. Same trends are seen in the Local Government Election held in 200-2001 when the voter turn-out was 52.3 per cent and it decreased by about 5 per cent to 47.5 in the 2005 Local Government Election.

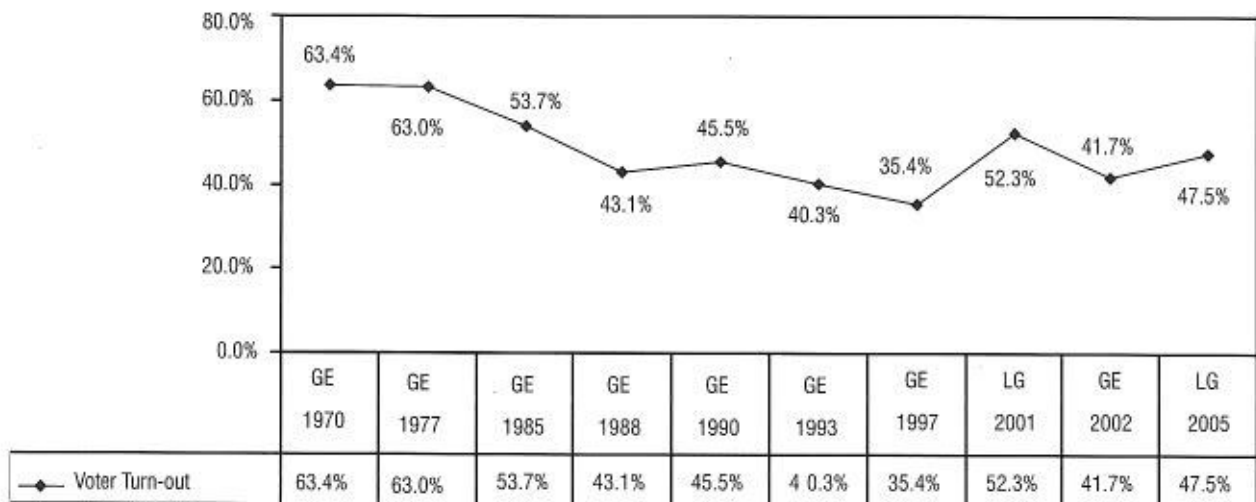
Figure 1 below provides details of voter turn-out from 1970

to 2005.

To put the question of voter turnout in a regional and international context, it may be useful to point out that Pakistan has the lowest average voter turnout among the South Asian countries such as India, Bangladesh and Sri Lanka. This comparison is shown with figures in Table 1.

In addition, according to the statistics compiled by the Sweden-based International Institute for Democracy and Electoral Assistance (IIDEA), Pakistan ranks at number 164 in terms of voter turnout, out of the 169 countries surveyed. Sri Lanka ranks at 79, India at 141 and Bangladesh at 143. (Ref. 'Voter Turn-out since 1945: A global report', IIDEA).

Figure 1: Voter Turn-out Trend in Pakistan



Source: Human Rights Commission of Pakistan (http://www.hrcpelectoralwatch.org/his_porsp.cfm [last accessed on October 5, 2006]) for the voter Turn-out of General Elections 1970 & 1977. General Elections Reports, Election Commission of Pakistan (1985-2002) and data about LG 2001 & 2005 is provided by Election Commission of Pakistan.

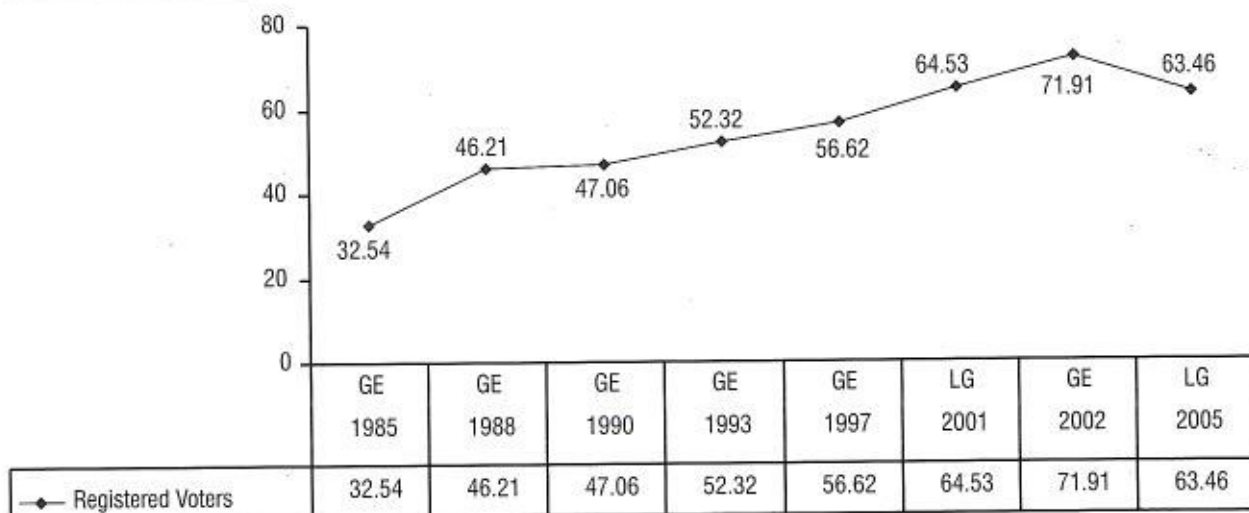
Table 1: Historical Voter Turn-out in Selected South Asian Countries

Country	Historical Voter Turn-out since 1945	Voter Turn-out in the last General Election (Year of election)
Bangladesh	58.2 %	75.6 % (2001)
India	59.4%	57.7% (2004)
Pakistan	45.3%	41.8% (2002)
Sri-Lanka	74.3%	71.9% (2004)

Registered Voters

The number of registered voters in the country increased in every next election but in 2002 General Election, the increase in registered voters was about 27 per cent over the number of registered voters in 1997 election. In 1997 General Election, 56,615,667 voters were registered and in 2002 General Election the figure of registered voters was 71,913,850. This high increase was due to the change in minimum age limit for voters which was reduced to 18 years from 21 years.

Figure 2: Registered Voters (In Millions)



Source: General Elections Reports 1993, 1997 & 2002, Election Commission of Pakistan and data about Local Government Elections provided by the Election Commission of Pakistan.

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Elections in Pakistan

Number of Candidates

Trend in total number of candidates and candidates per seat

in the last three General Elections are shown in Table 2. On the average there were 8 contestants against one (1) seat.

Table 2: Candidates for the National Assembly

Year	Total Number of Candidates for the membership of National Assembly	Total Number of General Seats	Candidates Per Seat
1993	1508	207	7
1997	1758	207	8
2002	2362	272	9

Source: General Elections Reports Election Commission of Pakistan (1993-2002).

Political Parties

The number of registered political parties in 1993 General Election was 62 and 14 parties found representation in the National Assembly. In 1997 General Election, 9 parties could reach the National Assembly out of 59 registered

political parties. In 2002 General Election, there were 93 registered political parties from which 16 political parties were represented in the National Assembly. Comparisons are provided in Table 3.

Table 3: Registered Political Parties and Parties Represented in the National Assembly

Year	Number of Registered Political Parties	Number of Political Parties represented in the National Assembly
1993	62	14
1997	59	09
2002	93	16

Source: General Elections Reports Election Commission of Pakistan (1993-2002).

Acceptance of Results

In general, the election results are not accepted by the losing party in Pakistan. This may partly be attributable to the dictates of politics but in part this is because there is a low level of public and parties' trust in the freedom, fairness and impartiality of the Election Commission. It is generally perceived that the election commission does not stand up to the governments who use their power of incumbency and unfair means to get unfair advantage in the elections. In Pakistan's history, General Election of 1970 is perceived to be the fairest election. A military man, Gen. Yahya Khan, was the Chief Martial Law Administrator / President at that

time. The General Election of 1993 is also perceived to be relatively fair when a caretaker Prime Minister, Mr. Moeen Qureshi, agreed to by both the main contending parties, the PML-N and the PPP, conducted the election. Although the losing party (PML-N) did complain of unfair treatment at the election, the media and the observers generally found the election to be free and fair. For the other election results, competing parties, especially the losers, contested them. Resentment against the perception of rigging of 1977 General Election was so great that it soon developed into a street agitation which ultimately claimed the government of Prime Minister Zulfikar Ali Bhutto of the PPP.

Major Political Parties and their Historical Performance

The Pakistan Muslim League (PML)

The PML was the party which led the Pakistan movement in the undivided India. It was formed in 1916 in Dacca, East Bengal. Its popularity among masses in the initial years after Pakistan came into being was understandable. Due to a rather poor performance and absence of charismatic leaders, the Muslim League started declining in public popularity rather soon. The PML policies are considered right of the centre. Although the PML led Pakistan Movement, which called for division of India on the basis of religion, it is not considered a religious party, but a moderate party. A few years after the independence, the PML gradually fragmented into several factions each of which emerged as a new party with a new leadership. After 2002 election, at least 7 parties with the name Pakistan Muslim League existed out of which 6 had representation in the National Assembly. These parties are as follows:

1. Pakistan Muslim League (Quaid-e-Azam) headed by Chaudhry Shujaat Hussain; 122 Seats in the National Assembly
2. Pakistan Muslim League (Junejo) headed by Mr. Hamid Nasir Chatha; 2 seats in the National Assembly
3. Pakistan Muslim League (Jinnah) headed by Mian Manzoor Wattoo; 1 seat in the National Assembly
4. Pakistan Muslim League (Ziaul Haq) headed by Mr. Ijaz ul Haq, 1 seat in the National Assembly
5. Pakistan Muslim League (Functional) headed by Pir Sahib Pagara, 5 seats in the National Assembly
6. Pakistan Muslim League (Nawaz) headed by Mr. Shahbaz Sharif, 18 seats in the National Assembly
7. Pakistan Muslim League (Qasim) headed by Mr. Kabir Ali Wasti, no seat in any assembly

The PMLs from serial number 1 to 5 and 7 resolved to merge along with some other like-minded parties such as the National Alliance of former President of Pakistan, Sardar Farooq Ahmad Khan Leghari in 2004. The merged party was named Pakistan Muslim League. Before the legal formalities of the merger could be completed, the PML (F)

opted out of the merger. Rest of the parties went ahead with the merger. The merged PML has influence in all provinces of the country but its power base is Punjab. Its current President, Chaudhry Shujaat Hussain, also comes from Punjab. His cousin and brother-in-law, Chaudhry Pervaiz Elahi, is the Chief Minister of Punjab. The PML is the main party supporting President Pervez Musharraf. The PML is the leading partner of the ruling coalition at the centre, Sindh and Balochistan.

The PML (N) is a part of the opposition parties. Its leader, Mr. Nawaz Sharif, was deposed by the current President General Pervez Musharraf in a military coup on October 12, 1999. The PML-N and the PPP, along with some smaller parties, have created an alliance called the Alliance for the Restoration of Democracy (ARD).

The Pakistan Peoples Party (PPP)

The PPP was founded on November 30, 1967 by Mr. Zulfikar Ali Bhutto, who served as a Minister in President Ayub Khan's Pakistan Muslim League (Convention) government from 1958 to 1966. He resigned because of his differences with the President and later formed his own Party. The PPP is generally regarded as left of the centre party with populist pro-poor plank. Initially, young people enthusiastically supported it. Although the party has a general appeal all over Pakistan, its power base was initially Punjab and Sindh. Lately its main appeal is limited to Sindh. As per the 2002 general election result, the PPP polled the highest number of votes in the country although it did not win the highest number of seats. The party came into power in 1971, 1988 and 1993.

Although Mr. Zulfikar Ali Bhutto's daughter Benazir Bhutto is the life Chairperson of the party, it contested 2002 election under the name of Pakistan Peoples Party Parliamentary (PPPP) whose nominal chairman is Makhdoom Amin Fahim, a trusted party leader from Sindh who does not have a national popularity base. This change in name and leadership was a legal formality as a political party with Ms. Benazir Bhutto as chairperson could not be registered and allowed to contest election.

In 2002 election, the PPPP secured 76 seats in the National Assembly. 16 of its members decided to form a separate group called the PPPP-Patriots and decided to support the PML-Q led government while the PPPP continued in opposition.

A few years earlier, a provincial leader of the PPP from NWFP, Mr. Aftab Ahmed Sherpao had split with the PPP leadership and founded his own faction of the PPP called PPP (Sherpao). The PPP (Sherpao) has 2 seats in the National Assembly and is a part of the ruling coalition. The PPP (Sherpao) and PPP-Patriots merged to register a new party called the Pakistan Peoples Party (PPP) thus depriving the largest PPP faction the use of the original name, at least legally. Another small splinter group of the PPP is called PPP (Shaheed Bhutto) and is led by Ms. Ghinwa Bhutto, the widow of Benazir's slain brother, Mir Murtaza Bhutto. The PPP (SB) has very little public following and no seat in any assembly.

Muttahidda Majlis-e-Amal Pakistan (MMAP)

The MMAP is an alliance of six (6) religio-political parties which came together on one platform at the time of US attack on Afghanistan in 2001 and 2002. The constituent parties of the alliance are as follows:

The Jamiat Ulama-e-Islam (Fazal ur Rehman Group) or JUI (F); headed by Maulana Fazal-ur-Rehman. The party's power base is in the NWFP and the Pashtun belt of Balochistan. The party stands for a rather strict interpretation of Islam and supported Taliban in Afghanistan. It is the largest party in the MMA. Its leader is currently the Leader of the Opposition in the National Assembly. The JUI (F) is the Pakistani successor of the hardline Jamiat Ulama-e-Hind that was founded in united India and still exists with the same name in India. The party has popularity among deobandi branch of clerics. It runs thousands of seminaries.

The Jama'at-e-Islami Pakistan (JI), headed by Qazi Hussain Ahmed, is the most well-organised religio-political party of Pakistan with branches in all provinces. Its power base is NWFP, Punjab and the urban areas of Sindh. The Jama'at-e-Islami was founded in 1941 in united India and stands for a comprehensive Islamic system of governance extending to all areas and disciplines of life such as economy, politics, social behaviour and culture. The party was particularly strong in universities and colleges through its students wing called Islami Jamiat-e-Talaba (IJT) during 1970s, 1980s and 1990s. It is the second largest party in the MMAP.

The Markazi Jamiat Ahl-e-Hadith (MJAH) headed by Professor Sajid Mir is a religious party that strictly interprets

Islam and is ideologically the closest to the Saudi interpretation of Islam.

The Tehreek-e-Jafariah Pakistan (TJP) headed by Allama Syed Sajid Ali Naqvi, is a religio-political party representing Shias - a minority sect of Islam that identifies itself with Iran.

The Jamiat Ulama-e-Pakistan (JUP) is a religio-political party of those segments of Muslims who identify themselves with Sufiism. It is a relatively moderate group among the religious parties. Its influence has declined in recent years. Its main support came from urban areas of Sindh which are now dominated by the Muttahidda Qaumi Movement (MQM).

The Jamiat Ulama-e-Islam (Samiullah Group) or JUI-S is a faction of the JUI led by Maulana Sami-ul-Haq. Its influence is limited to a small area in the NWFP but due to its hold on some respected seminaries, its influence over Taliban in Afghanistan has been considerable. It has now parted ways with the MMA and selectively supports Gen. Pervez Musharraf and the PML Government.

By uniting and pooling the vote bank of constituent parties, and aided by the explosive environment of the US bombardment on neighbouring Afghanistan, the MMAP won 61 seats in the National Assembly and sufficient seats in the NWFP Provincial Assembly to form Government there. The MMAP also won enough seats in Balochistan to become junior but influential coalition partner with the PML there. The MMAP is a group of religio-political parties which believe in electoral politics and despite their Anti-West and Anti-US stance, are considered pragmatic parties who can hold dialogues, negotiate and work together with parties whom they fiercely oppose.

The Muttahidda Qaumi Movement (MQM)

The MQM is a part of the ruling coalition in the centre and in Sindh province. Initially formed as Mohajir Qaumi Movement on March 18, 1984, the MQM was exclusively a party of Urdu-speaking migrants who settled in the urban areas of Sindh but has lately started making efforts to broaden its base. It has been accused of adopting strong-arm tactics to establish its dominance in Karachi and other urban areas and to settle scores with opponents. It is a well-knit and highly organised party following the commands of its leader Mr. Altaf Hussain who lives in London for the last many years and holds a British passport as well. He

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Elections in Pakistan

frequently addresses his party rallies and meetings via telephone. The MQM has 19 members in the current National Assembly.

Table 4 carries a list of other political parties of Pakistan.

Historical Electoral Performance of Political Parties in Pakistan

General Election 1970

In December 1970, Gen. Mohammad Yahya Khan held the first general elections in Pakistan on the basis of adult franchise. A total of 25 parties contested the general election. The Awami League and the Pakistan Peoples Party emerged as the leading political parties in the East and the West Pakistan respectively. The Awami League contested only eight (8) National Assembly seats in the Western Wing and the Pakistan People's Party did not put up any candidate in the Eastern Wing.

General Election 1977

In the second General Election held on March 7 and 10, 1977 to the National and the Provincial Assemblies respectively, the PPP won 58.1 per cent of all the votes that were cast, and 136 of the 173 contested NA seats. The Pakistan National Alliance (PNA) won only 35.1 per cent of the vote and 36 seats in the National Assembly. The PPP had already won 19 National Assembly seats unopposed including the home seat of Mr. Zulfikar Ali Bhutto in Larkana. The election result was, however, bitterly contested by the PNA accusing the PPP of massive rigging. The elected assembly could not effectively convene as widespread street agitation led to dissolution of the assemblies and the Martial Law.

General Election 1985

The third General Election was held on non-party basis by Gen. Ziaul Haq in February 1985. Some parties, under the umbrella of the Movement for the Restoration of Democracy (MRD) and led by the Pakistan Peoples Party (PPP), boycotted the polls. Majority of elected legislators led by the Prime Minister Muhammad Khan Junejo later formed a parliamentary party of the PML.

General Election 1988

The fourth General Election for the National Assembly and

the Provincial Assemblies was held on November 16 and 19, 1988 respectively. The PPP, led by Ms. Benazir Bhutto, won 93 seats out of total 207 and polled 38.5 per cent votes. The Islami Jamhoori Ittehad (IJI), a conglomerate of several parties led by the PML, won 54 seats and polled 30.2 per cent votes.

General Election 1990

On October 24, 1990 the fifth General Election was held for the National Assembly and the Provincial Assemblies. The Islami Jamhoori Ittehad won 106 seats out of total 207 and polled 37.3 per cent votes. The PPP-led coalition Pakistan Democratic Alliance (PDA) won 44 seats and polled 36.9 per cent votes.

General Election 1993

On October 6 and 9, 1993, sixth General Election was held for the National Assembly and four Provincial Assemblies respectively. The PML-N won 73 seats out of total 207 and polled 39.7 per cent votes. The PPP won 89 seats and polled 38.2 per cent votes. The PML-J won 6 seats and 3.8 per cent votes.

General Election 1997

Seventh General Election was held on February 3, 1997 for the National Assembly and the four (4) Provincial Assemblies simultaneously. The PML-N won 137 seats out of total 207 and polled 45.3 per cent votes. The PPP won 18 seats and polled 21.6 per cent votes.

General Election 2002

The Eighth General Election was held on October 10, 2002 for the National Assembly and four Provincial Assemblies. More than 70 parties, big and small, contested the election. The religious alliance known as the Muttahidda Majlis-i-Amal (MMA) secured 59 seats out of total 272 and polled 12.3 per cent votes emerging as the third largest party in the National Assembly election after the PML-Q with 118 seats (26.6 per cent votes) and the PPP with 80 seats (28.4 per cent votes). The PML-N won 18 seats (12.7 per cent votes.) and the MQM secured 17 seats (3.6 per cent votes).

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Elections in Pakistan

Table 4: Major Political Parties of Pakistan

No.	Party	Current Party Head	Party Presence	Power Base	Share of Votes in Election
1	PML (Q)	Chaudhary Shujaat Hussain	National	Punjab	26.63 %
2	PPPP	Makhdum Amin Fahim (Benazir Bhutto)	National	Sindh	28.42 %
3	MMAP	Qazi Hussain Ahmed	National	NWFP	12.28 %
4	PML (N)	Shahbaz Sharif (Nawaz Sharif)	National	Punjab	12.71 %
5	MQM	Altaf Hussain	Urban Sindh	Urban Sindh	3.55 %
6	PPP (Sherpao)	Aftab Ahmed Khan Sherpao	NWFP	NWFP	0.48 %
7	PML (F)	Pir Pagara	Rural Sindh	Rural Sindh	1.23 %
8	Pakistan Tehreek -e- Insaf (PTI)	Imran Khan	Punjab	Punjab	0.62 %
9	Awami National Party (ANP) ANP is the successor of the defunct National Awami Party (NAP) that was	Asfandyar Wali	National	NWFP	

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Elections in Pakistan

Table 4: Major Political Parties of Pakistan

No.	Party	Current Party Head	Party Presence	Power Base	Share of Votes in Election
	founded in 1957. Father of the current President, Abdul Wali Khan was head of the party				
10	Baloch National Party (Mengal) BNP -M	Sardar Akhtar Mengal	Balochistan	Balochistan	0.21 %
11	Jamhoori Watan Party (JWP)	Nawab Akbar Khan Bugti	Balochistan	Balochistan	0.02 %
12	Pakistan Pakhtum Khawa Milli Awami Party (PPKMAP)	Mahmood Khan Achakzai	Balochistan (Pashtun areas)	Balochistan (Pashtun areas)	0.14 %

Source: 2002 General Elections Reports, Election Commission of Pakistan

Next Election and Key Debates

The Date for the Next General Election

The date of the next general election is a subject of considerable speculation and debate in Pakistan. Under normal circumstances, the next General Election in Pakistan is due anytime between now and the middle of February 2008. Following are the possible scenarios of scheduling the next general election

a. National Assembly Completes its 5-year Term

The current 12th National Assembly will complete its 5-year term on November 15, 2007. If the Assembly is not dissolved earlier, the next election will have to be held not later than 60 days after the assembly completes its term. This means that election will be held by mid-January 2008 in this case. If one goes by the proclamations of the President of Pakistan and the Prime Minister repeated so often that the National Assembly will complete its term, this seems to be the most likely scenario for the next election.

b. The Prime Minister Decides to Hold Early Election

Under the parliamentary form of government, the Prime Minister may decide to dissolve the National Assembly any time before it completes its term. If the Prime Minister opts for this, the general election has to take place within 90 days of the dissolution of the National Assembly. Hypothetically, the Prime Minister may even dissolve the National Assembly even a day before it completes its term. In such a case the election will move to mid-February 2008. Some analysts feel that the present government may opt to seek early election by dissolving the National Assembly. This is a possibility because the President of Pakistan is under considerable pressure from within the country and outside to relinquish the position of the Chief of the Army which he currently holds along with that of the President. A highly controversial law passed by the Parliament gives General Musharraf until the

end of 2007 to keep the two positions. The President will lose a considerable chunk of power and clout if and when he relinquishes the position of the Army Chief. His preference, therefore, will be to hold next election while he still is the Army Chief and he gets a crucial few months of this extra clout to exercise his influence in the formation of the new government. This, therefore, seems to be a likely scenario too.

c. The President dissolves the National Assembly

The President of Pakistan has the constitutional power to dissolve the National Assembly and order fresh election. Unless the Supreme Court declares such a step unwarranted, the election will be scheduled in the same fashion as in scenario b above. Such a course is taken by the Presidents when the Prime Ministers fall out with them and the President wants to get rid of the Prime Minister. Since, at present, the President and the Prime Minister enjoy very close and cordial relationship, this scenario appears quite unlikely.

d. Parliament Declares State of Emergency and Extends its Term by another Year

The President of the lead ruling party, the PML, Chaudhry Shujaat Hussain, has hinted at this possibility a couple of times. In such an unlikely scenario, election may be held by January 2009. Apparently, the government will opt for this scenario when it is forced in a situation where holding election by January 2008 is disastrous for it and there arises a situation which justifies the declaration of a state of emergency. Otherwise this scenario appears unlikely and not very suitable for the government.

Caretaker Government during Election

As per the constitution, the President is to appoint, in his discretion, a caretaker government during the period of election i.e., from the date of the dissolution of the National Assembly to the take-over by the new elected government. Under

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Elections in Pakistan

normal circumstances, when the President is a non-partisan person, this system may work all right but currently when the President is openly backing and canvassing for the ruling party, the PML, a caretaker government to be appointed by the President *in his discretion* will hardly inspire confidence among the opposition parties. All the opposition parties have declared that they would not accept an election held while the current President is in place. This seems to be a major point of contention which is being hotly debated in the context of the next election. Some political observers have noted that a caretaker government on the pattern of Bangladesh where the last retired Chief Justice of the Supreme Court becomes head of the caretaker government may solve the problem. Some other observers counter that even the provision of such a caretaker government in Bangladesh through a constitutional amendment has failed to resolve the problem because opposition is again agitating on the streets for further electoral reforms. Some analysts point out that although India does not have a system of a neutral caretaker government and the same government continues as a caretaker one, election results are not disputed.

Independence of the Chief Election Commissioner (CEC) and the Election Commission of Pakistan

The current CEC has been appointed by the President in his discretion. Since the President is considered to be openly partisan, his selection of the CEC has also come under criticism. Although the CEC has a reputation of being a man of integrity, many point out that he was the provincial election commissioner in the NWFP during the seriously flawed and massively rigged Presidential referendum of April 30, 2002. There is a widespread debate on how to ensure independence and assertiveness of authority by the Election Commission. It is also being widely debated that the appointment of the CEC should not be in the sole prerogative of the President and instead it should be a participatory or at least a

consultative process involving both the ruling party and the opposition. The 17th constitutional amendment of Sri Lanka is also cited in this context which has provided for the establishment of a constitutional commission including the leader of the opposition which makes appointments at top constitutional positions such as that of the CEC.

Alleged Role of the Military and its Intelligence-affiliates in the Electoral Process

Many independent political analysts and opposition parties allege that the military institutions and their intelligence agencies were extensively employed during the last general election of 2002 to extract the desired results. Many apprehend that the story may not be any different this time around because the President who is also the Army Chief has openly declared his support for one of the political parties. The entire question of civil-military relations and the role of military institutions and intelligence agencies in the political affairs and specifically the election is being widely debated throughout the country.



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