



BACKGROUND PAPER

Caretaker Government during Election: A Comparative Study of Pakistan, Bangladesh and India



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First Published: June 2006
ISBN: 969-558-022-X
978-969-558-022-6

Typeset in Swiss
Printed by: Son Printers, Lahore

With Support From

UK Government's Global Opportunities Fund through the British High Commission, Islamabad

Published by



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Acronyms and Abbreviations

AL	Awami League
BNP	Bangladesh National Party
ISI	Inter-Services Intelligence

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Foreword

FOREWORD

The current 12th National Assembly of Pakistan is going to complete its 5-years term on November 15, 2007. Unless dissolved earlier, the next General Election should be held within two months of the completion of the term of the National Assembly which works out to be by January 15, 2008. With the General Election approaching, political discourse in the country is increasingly focusing on electoral issues. Many a time this discourse is not based on specific and reliable information.

One of the subjects which is currently being debated among politicians and political analysts is that of a neutral care-taker government during the forthcoming General Election. The model of a neutral caretaker government adopted by Bangladesh through 13th Constitutional Amendment has also been mentioned by some as a possible course for Pakistan.

Although Constitution of Pakistan has provided for a caretaker government through the 17th amendment, very few people seem to be aware of the specifics.

This Background Paper has been prepared by PILDAT research team as a modest contribution towards making the current electoral discourse more informed and based on facts.

PILDAT would like to acknowledge the support of the **UK Government's Global Opportunities Fund** and the **British High Commission Islamabad** in producing this paper.

PILDAT and its team of researchers have made every effort to ensure the accuracy of the contents of this paper. PILDAT, Global Opportunities Fund and the British High Commission Islamabad, however, do not accept any responsibility of any omission or error as it is not deliberate. The views expressed in this paper do not necessarily represent those of the Global Opportunities Fund or the British High Commission Islamabad.

Islamabad
June 2006

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Background

Elections are the backbone of a strong Democratic process. Free and fair elections and smooth transfer of power form the basis of a stable democracy in any country.

The democratic process in the South Asian countries is in an evolutionary stage as most of the countries in this region gained their independence not more than sixty years ago. The countries like India, Pakistan and Bangladesh are still strengthening their democratic systems by making changes in their election processes and incorporating new constitutional provisions as they feel the need during their journey towards stable democratic societies.

In the past, some of these countries have gone through the experiences of rigged and fraud elections. Such malpractices were usually committed by the governments in power by misusing their authority. These countries are trying to tackle this problem by taking different steps and strengthening the election rules which include making the Election Commission more independent, inviting independent observers, computerizing the system etc.

Since most of the election malpractices are attributed to the partisanship of the government under which election is held, the idea of a neutral caretaker government during the election has been discussed and adopted in some countries. This paper attempts to present an over-view of the evolution of caretaker government system in Pakistan, Bangladesh and India. It is hoped that the information presented in the paper will be helpful in making the current discourse on the subject of Caretaker government an informed one.

What is a Caretaker Government?

In the parlance of institutional government, a caretaker government is one which normally takes care of state administration for an interim period until the regular new government is formed. In established parliamentary system, there is a convention of transformation of the outgoing government into a caretaker government for the time being before the holding of general election. Such temporary government exists only to perform day to day administrative jobs, and is not supposed to deal with policy initiating functions which may influence the election results. During the period the caretaker government maintains a neutral status for ensuring free and fair general elections. In

the parliamentary framework, after the dissolution of one ministry, the practice of establishing a caretaker government for organizing general polls has been observed in almost all democratic countries.

Provisions in the Constitution of Pakistan

According to the constitution of Pakistan, as it stands following the Legal Framework Order (LFO) 2002, article 224 stipulates the provisions of a caretaker government. The proviso added to article 224 (1) under the LFO reads as follows:

“Provided that on dissolution of an Assembly on completion of its term, the President, in his discretion, or, as the case may be, the Governor, in his discretion but with the previous approval of the President, shall appoint a care-taker cabinet.”

Article 224 (7) which was also added as a part of the LFO reads as follows:

“When a care-taker Cabinet is appointed, on dissolution of the National Assembly under Article 58 or a Provincial Assembly under Article 112, or on dissolution of any such Assembly on completion of its term, the Prime Minister or, as the case may be, the Chief Minister of the care-taker Cabinet shall not be eligible to contest the immediately following election of such Assembly.”

These two clauses of Article 224 of the Constitution of Pakistan do not expressly call for a non-partisan or neutral caretaker governments but the fact that the Prime Minister and Chief Minister will not be eligible to contest the election introduces a certain degree of neutrality to the provision of a caretaker government. It is however significant that this ineligibility does not expressly extend to other members (Ministers) of the caretaker government.

Another important thing to note is that the caretaker government will be appointed in the sole discretion of the President. No qualifications or limits have been placed on this discretion.

It is also important to note that a continuity to the office of the President has been provided. The President continues in his or her office during the election for the National and

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Provincial Assemblies. In case the President is perceived to be partisan or biased, the caretaker government alone will not be able to address the issue of providing a neutral government during the election phase. This also implies that the spirit of the Constitution does not envisage a partisan President.

Pakistani experience of Caretake Governments

There have been numerous caretaker governments since the 8th amendment under which President was given the power to dissolve the National Assembly and thus dismiss a cabinet.

Caretaker Government under General Zia ul Haq and Ghulam Ishaq Khan - 1988:

President General Zia ul Haq was the first to use the powers under Article 58 (2) b of the constitution when he dissolved the National Assembly and dismissed the government of Prime Minister Muhammad Khan Junejo on May 29, 1988. He appointed a caretaker cabinet directly under him without appointing a caretaker Prime Minister. President Zia-ul-Haq died in an air crash before the elections could be held. Ghulam Ishaq Khan, who was the Chairman of the senate, became the acting President according to the constitution but retained the same caretaker cabinet as was appointed by his predecessor. The military and more specifically the Inter-Services Intelligence (ISI) played an important role in creating a coalition of political parties opposing Benazir Bhutto's Pakistan Peoples Party. The caretaker government generally consisted of persons who were opposed to Pakistan Peoples Party. Despite these moves, Pakistan Peoples Party emerged as the single largest party in the National Assembly and its leader Benazir Bhutto was, after some initial reluctance and securing some assurances from her, invited to form the next government. The caretaker government hardly enhanced the perception of neutrality or even-handedness during the election.

Ghulam Mustafa Jatoi's Caretaker Government 1990:

The next caretaker Government was appointed by President Ghulam Ishaq Khan after he dissolved the 8th National Assembly on 6th August 1990 using the eighth amendment and dismissed the government of Prime Minister Benazir

Bhutto on the charges of corruption. He appointed Ghulam Mustafa Jatoi as the Caretaker Prime Minister who was the Leader of the Opposition in the dissolved Assembly. Elections were scheduled for October, 1990. This caretaker government was obviously and clearly partisan and Pakistan Peoples Party (PPP) charged that the elections were rigged in favour of the parties opposing PPP. Islami Jamhuri Ittihad (IJI) led by Pakistan Muslim League emerged as the single largest party in the National assembly as a result of the election.

Short-lived caretaker Government of Balakh Sher Mazari 1993:

In April, 1993, President Ghulam Ishaq Khan dissolved the 9th National Assembly and dismissed the government of Prime Minister Muhammad Nawaz Sharif. Mr. Balakh Sher Mazari was appointed as the new caretaker Prime Minister by the President. Elections were scheduled to be held in July but Mr. Mazari's tenure ended on May 26, 1993, when the Supreme Court revoked the Presidential Order and reinstated Muhammad Nawaz Sharif as the Prime Minister. However, because of the serious differences between the President Ghulam Ishaq Khan and the Prime Minister Muhammad Nawaz Sharif, both resigned from their offices on July 18, 1993, along with the dissolution of the National and Provincial Assemblies.

Moin Qureshi's caretaker Government 1993:

Moin Qureshi, a retired World Bank official, was appointed as the Caretaker Prime Minister as per the agreement reached between Ghulam Ishaq Khan and Muhammad Nawaz Sharif through the Chief of Army Staff, General Waheed Kakar. Waseem Sajjad, the Senate Chairman took over as the acting President. At the time of his appointment, Moin Qureshi was residing in the US for the last many years and people of Pakistan hardly knew him. It was, however, felt that as he was a political outsider, he would remain neutral. Despite the fact, Moin Qureshi was appointed caretaker Prime Minister with the consent of Muhammad Nawaz Sharif, he was not satisfied with the neutrality of Qureshi Government and expressed dissatisfaction after he lost the election. In general, the election was perceived as relatively free and fair.

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Malik Meraj Khalid's Caretaker Government 1996:

President Farooq Leghari dissolved the National Assembly on November 5, 1996 and dismissed the government of Prime Minister Benazir Bhutto of PPP on the charges of corruption. Malik Meraj Khalid, Rector of the International Islamic University, was appointed as the caretaker Prime Minister. The next elections were scheduled for February 3, 1997. Malik Meraj Khalid held the office of caretaker Prime Minister from November 5, 1996, to February 17, 1997. PPP perceived the caretaker government a group of Anti-PPP persons and accused them of rigging the election after PPP lost the election.

Caretaker Governments failed to inspire confidence:

In conclusion, the experience of Pakistani care-taker governments has not been very satisfactory, primarily because the caretaker governments were mostly appointed by the Presidents in their own discretion. These caretaker Governments with the possible exception of Mr. Moin Qureshi's government were not perceived as neutral.

The System of Caretaker Government in Bangladesh

Electoral History

In Bangladesh the demand for neutral caretaker government largely originated from a lack of trust in the political government under which the election was held. To understand the background of this demand, one has to at least briefly look at the political history of Bangladesh

After Bangladesh gained its independence in 1971, the first parliamentary elections were held on 7th March 1973. These were by and large considered free and fair elections, although there were some alleged cases of rigging, ballot snatching and ballot box stuffing in some constituencies. It is generally believed that the practice of rigging was started when General Zia-ur-Rehman held a referendum in 1977. A voter turnout of 88.5% was recorded and the affirmative votes in favour of the incumbent General were recorded as 98.88 % of the total votes cast. He held two more elections and it is alleged that he used civil and military intelligence agencies as well as the civil administration to rig the

elections.

General Hussein Muhammad Irshad followed General Zia's footsteps and held a referendum on 21st March, 1985. A more realistic-looking voter turnout of 72.2% and affirmative votes of 84.1% were announced. General Irshad went on to hold three elections. The first Parliamentary elections were held by him on 7th May, 1986. The next two elections were a Presidential and a Parliamentary one. Those elections, held on 15th October 1986 and 3rd March, 1988 respectively were boycotted by all the opposition political parties of Bangladesh including two main parties i.e Awami League and BNP, leaving only his own Jatio Party in the arena.

On December 6, 1990, people's uprising got rid of the military Government of General Irshad and a caretaker government agreed-upon by all political parties headed by the sitting Chief Justice was installed to conduct a free and fair election. As a result, the BNP Government led by Begum Khalida Zia came into power on 20th March 1991. The BNP government held the general election on 15th February 1996 which was widely boycotted by other political parties as they did not expect a fair election under BNP. Only 21 % voter turn-out was registered which was the lowest in the history of the country.

The passage of 13th Constitutional amendment

All political parties demanded a fair election under a neutral government. In the face of mounting agitation and a clear demonstration of lack of trust by the people through the lowest voter turn-out in the history of Bangladesh, Begum Khalida Zia resigned after making the 13th amendment in the constitution of Bangladesh on 26th March 1996. This amendment called for a non-party caretaker government headed by the immediate past Chief Justice to conduct the General Elections. Chief Justice Habibur Rehman became the head of the care taker government. As a result of the elections held on 12th June 1996, Awami League came into power and Sheikh Hasina Wajid was sworn in as the new Prime Minister on 23rd June 1996.

Despite the unrest and protests in the later part of the Awami League tenure, it completed the 5 years term. The new elections were held on October 1, 2001 under the caretaker government as per the constitution. These elections were won by the BNP coalition and Begum Khalida Zia came into

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power but Awami League still alleged rigging in the elections. Khalida Zia is the current Prime minister of the country and is about to face general election in 2006.

The opposition parties have now developed serious reservations about the caretaker system. In brief, they allege that the Government is manipulating judiciary in a way that its favourite judge should be the immediate retired chief justice and thus the head of the caretaker government. A 14-party alliance is calling for electoral reforms and agitating for the acceptance of its demands.

Despite the criticism on the prevailing system, one must acknowledge that due to the system of neutral caretaker government, power was transferred from one party to the other in the past 10 years. The first time power was transferred from BNP to AL through the general election held on June 12, 1996 and the second time from AL to BNP through the general election held on October 1, 2001.

What is 13th Amendment?

The Thirteenth Amendment Act, 1996 of the Constitution was passed on 28th March 1996 to provide for a non-party care-taker government, operative from the date on which the Chief Adviser of such Government enters upon office after Parliament is dissolved or stands dissolved by reason of expiration of its term till the date on which a new Prime Minister enters upon office after the general elections to the Parliament. The Caretaker Government is collectively responsible to the President. The executive power of the Republic during this period, subject to the provisions of Article 58D (1) of the Constitution (discharging functions as an interim government and carrying on routine functions), vests in the Chief Adviser. The Non-Party Caretaker Government consists of the Chief Adviser at its head and not more than ten other Advisers, all of whom are to be appointed by the President. The Chief Adviser is required to be appointed, in the manner stipulated in Article 58C of the Constitution, from among the two last retired Chief Justices or from the two last retired judges of the Appellate Division of the Supreme Court or from eminent citizens qualified to be an Adviser after consultation with major political parties. An Adviser is required to be a person qualified for election as an MP, not to be a member of any political party or of any organization associated with any political party, not be a candidate for the ensuing Parliamentary election and not over seventy two years of age. Then Caretaker

Government's primary responsibility is to render to the Election Commission all possible aid and assistance that may be required for holding the general election of members of Parliament peacefully, fairly and impartially. The concept of Caretaker Government is a constitutional device to enable the holding of general parliamentary elections in a fair and impartial manner, free of any party influences on the Government machinery.

Unlike in normal circumstances when the President enjoys some discretion in the appointment of the Prime Minister, his choice in the selection of the Chief Adviser, who enjoys the status, privileges and remuneration of a Prime Minister, is strictly regulated by Article 58C of the Bangladesh Constitution which provides as follows:

1. The President shall appoint as Chief Adviser the person who, among the retired Chief Justices of Bangladesh, retired last and who is qualified to be appointed as an adviser:

Provided that if such retired Chief Justice is not available or is not willing to hold the office of the Chief Adviser, the President shall appoint as Chief Adviser the person who among the retired Chief Justices of Bangladesh retired next before the last retired Chief Justice.

2. If no retired Chief Justice is available or willing to hold the office of Chief Adviser, the President shall appoint as Chief Adviser the person who among the retired judges of the Appellate Division retired last and who is qualified to be appointed as an adviser under this article:

Provided that if such a retired judge is not available or is not willing to hold the office of Chief Adviser, the President shall appoint as Chief Adviser the person who among the retired judges of the Appellate Division retired next before the last such retired Judge.

3. If no retired Judge of the Appellate Division is available or willing to hold the office of Chief Adviser, the President shall, after consultation, as far as practicable, with the major political parties, appoint the Chief Adviser from among the citizens of Bangladesh who are qualified to be appointed as advisers under this article.

4. Notwithstanding anything contained in Chapter IV of the Constitution, if the provisions of clauses (3), (4), and (5) cannot be given effect to, the President shall assume the

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functions of the Chief Adviser of the Non-Party Caretaker Government in addition to his own functions under this Constitution.

The Caretaker Government has authority over all ministries/departments of government except defence, which remains the responsibility of the President. The mandate of the Caretaker Government is quite limited; it essentially acts as an interim administration. Article 58(D) of the Constitution provides that the Caretaker Government shall carry on the routine functions of the government with the aid and assistance of persons in the services of the Republic. The Constitution also provides that except in the case of necessity for the discharge of routine functions, the Caretaker Government shall not make any policy decision. It is expressly provided that the Caretaker Government shall give to the Election Commission all possible aid and assistance that may be required for holding the general elections of members of Parliament peacefully, fairly and impartially.

Alleged manipulation of the system of caretaker government and calls for further reforms

With the next general election in Bangladesh due in 2006, the opposition parties' alliance has demanded some changes and improvements in the Caretaker Government system.

A major issue has arisen because of the particular provision in the constitution relating to the appointment of the head of the caretaker government, which specifies that the immediate past Chief Justice would be the person first called upon by the President to head the caretaker government and if he is unable or unwilling then his predecessor and so on. Any action by the incumbent government, which conveys the impression that it is seeking to ensure that a particular person is chosen by adopting such means as altering the retirement date of the existing chief justice raises doubts about the impartiality of the person. The fourteenth amendment (2004) passed by the BNP government raised the retiring age of the Chief Justice. This had the effect of ensuring that the person who was then the immediate past chief justice would continue to be in that position when the time came for the formation of the caretaker government. The opposition is strongly

objecting to his being designated as head of the caretaker government on account of his past association with the present ruling party.

The other issue relating to the caretaker is that the thirteenth amendment provides that during the period when there is a non-party caretaker government, the law regulating the supreme command of the defence services (which vests in the President), shall be administered by the President. The opposition urges that the defence services should be administered during the caretaker government period in exactly the same way as all other subjects, that is, on the advice of the Chief Advisor.

These and various other concerns have led the 14 political parties of Bangladesh to demand reforms in the caretaker form of government.

The ruling BNP government is reluctant to accept the demands of the opposition on the plea that the thirteenth amendment was passed with the consensus of all parties and therefore the system should continue as provided for in the thirteenth amendment.

The Fourteen Parties programme of electoral reforms is presented as Appendix A.

Caretaker Government in India

India, unlike Bangladesh and Pakistan does not have a neutral caretaker government system for elections. The government at the time of dissolution of Lok Sabha (House of the People) usually continues until the election process is completed and the new government is ready to take over. Article 75 of the Constitution of India permits the Ministers, including the Prime Minister to continue for six months without being the member of either house. The President can, therefore, without any breach of law or convention constitute a Council of Ministers from other than legislators for a short period only for conducting the General Elections.

Conclusions

In mature democracies, an elected government continues as the caretaker government during elections without anybody suspecting any wrongdoing at the hand of the caretaker government. In such democracies, election

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management bodies have sufficient independence and powers to ensure free and fair election without any fear of interference by the government. In such cases, it does not matter who is running the caretaker government as the established norms and institutions guard against any possibility of interference by the government or for that matter anyone. India is one good example of such democracies where Election Commission becomes a virtual caretaker government during the election time and no neutral caretaker government is inducted for the election.

In some democratizing countries, like Bangladesh and Pakistan, integrity of the election process is generally a question. There is a deficit of trust between the ruling and opposition parties. Ruling party is generally suspected of manipulating the election results to its own advantage. Election management bodies are not strong or assertive enough to ensure the integrity of elections. In such countries, a neutral care-taker government is considered essential to ensure free and fair election. The problem, however, arises when Head of the state is also perceived to be partisan and potentially someone who can manipulate the election process to the advantage of his or her favourite party. In such cases, constitutional provisions, if any, about the neutral caretaker governments appointed in the discretion of the President fail to inspire confidence in the electoral process and the crisis therefore continues. Pakistan is a typical case in point. Some countries, like Bangladesh, have come up with constitutional innovation by taking the appointment of a caretaker government out of the discretionary jurisdiction of President and by providing detailed guidelines on the composition and powers of the caretaker government. But, as the basic problem of weak democratic culture and lack of trust persists, even such comprehensive constitutional provisions also fail to ensure integrity of election and acceptance of the result by all parties. The current crisis in Bangladesh where opposition is demanding further electoral reforms despite a comprehensive constitutional provision of a neutral caretaker government illustrates this problem.

Although Bangladesh model of a caretaker government is worth consideration by countries like Pakistan, it fails to provide sufficient safeguards against electoral manipulation by a strong and partisan head of the state determined to favour a particular party.

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Annexure 1

Fourteen Parties Programme of Electoral Reforms in Bangladesh

CHIEF ADVISOR AND ADVISORY COUNCIL

1. In consultation with all political parties the President shall appoint a unanimously trusted and accepted person as the Chief Advisor and other members of the Advisory Council shall also be appointed in the same process.
2. In consideration of the parliamentary system of government the President shall act always on the advice of the Chief Advisor.
3. The responsibility for the Ministry of Defense shall vest in the Caretaker government and it shall be directed by the Advisory Council.
4. The Caretaker government shall confine itself to handling only routine matters of the government and assisting the Election Commission in the conduct of election.

REFORMS IN THE ELECTION COMMISSION FOR A FREE AND FAIR ELECTION

Only an independent and neutral Election Commission can ensure a free and fair election. This was why the joint declaration of the three alliances of 1990 sought to ensure the independence and neutrality of the Election Commission. While election laws and regulations were amended the Election Commission was not suitably strengthened. The subject of appointment of the Chief Election Commissioner and other Commissioners and creation of an independent and effective body free of control by the executive were not seriously tackled. As a result the Commission tends to be helpless in conducting election free of interference by the executive. In the circumstances the following measures are recommended for making the Election Commission independent and effective:

1. The appointment of the CEC and other Commissioners shall be made in consultation with all political parties. In the same process the number of Commissioners shall also be decided.
2. The Commission in the usual manner shall act on the basis of consensus; but in case of a difference of views shall be guided by the wishes of the majority.
3. The Commission being a permanent constitutional institution shall be accorded the due authority and honour so that it may conduct and supervise the election independently and unfettered by executive control.
4. There shall be an independent secretariat of the Election Commission. It shall be free from control of the executive branch. It shall extend its offices to Upazila level and employ and control all the staff of the organization. At the time of an election the government shall provide sufficient manpower as required by the Commission.
5. The Election Commission shall be financially autonomous and for that its budget allocation shall be charged to the consolidated fund of the Republic. There shall be no jurisdiction of the Finance Ministry in the release of such allocation.
6. The Commission shall freely appoint all election officers e.g., Returning, Presiding or Polling officers and deploy the law enforcing agencies for election duty and the government shall be obliged to make arrangements accordingly.
7. All personnel employed on election duties shall be under the control of the Election Commission for a fixed period before and after the election. For any dereliction of duty or violation of laws and regulations they shall be subject to any punishment or disciplinary action by the Commission. The government shall be obliged to implement the decision of the Commission.
8. The Election Commission shall be fully independent in announcing the election schedule and framing rules and regulations for the conduct of the election.

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9. For any breach of election laws or rules the Election Commission may stop or cancel the election and order detention and punishment of the violators. For this purpose for the election period the Commission shall be vested with judicial authority.

10.

A. There shall be complete transparency in the preparation of the voters' list. For enlistment of voters continuous media announcements should be made, cross checking of the list should be undertaken and permanent arrangements be made for updating the list. The voter list shall be computerized and voters shall be given identification cards. Arrangements shall be made for electronic voting system.

B. As per Peace settlement in the Hill Tracts a new voters' list for permanent residents of the Hill Tracts shall be prepared and their right of franchise be ensured.

C. Arrangements shall be made to enlist the expatriate citizens as voters and to ensure exercise of vote by them.

11. The Election Commission shall constitute an all party observation team for each constituency at the election time. At the national level the enlistment of the election observers shall be made after due assessment by the Commission six months ahead of the election and the list of observers shall be provided to the contesting parties and candidates at the time of the announcement of the election schedule. Such observers shall not be entitled to enter the polling centers or booths.

12. Information about international observers should also be announced a month before the election and their charter of activities should be clearly determined.

13. If electronic voting cannot be arranged the ballot box in each booth shall be transparent and numbered.

14. In the polling centre vote counting shall take place in the presence of agents of all candidates and observers. A signed copy of the results shall be given to all of them by the Presiding officer. The Returning officer shall send the consolidated statement of results to the Election Commission and only the Commission shall announce the results.

15. For any disputed election result any case filed with the Election Tribunal shall be settled within two months. Any appeal to the Supreme Court in this respect shall also be settled within three months. The Election Commission shall be a party for settling the case according to this schedule.

REFORMS IN THE ELECTION LAWS, RULES AND SYSTEM FOR FREE AND FAIR ELECTION

I: TO HALT THE MONEY GAME IN ELECTION:

a. All expenditure made by a candidate or others in his support for the election shall be treated as his election expenditure and it shall not exceed the prescribed expenditure limit. For each electoral constituency it shall be monitored by a designated officer and he shall furnish regular reports to the Election Commission. The expenditure report submitted by a candidate shall be checked with this report.

b. The statement of income and expenditure of a candidate shall be an open document for the public and it shall be supplied to the media. Any voter may raise questions about any content of the statement.

c. The return on election income and expenditure shall be submitted by a candidate within a month of election and failure in this respect shall cancel the election result.

d. Anyone furnishing false statement on election income and expenditure to the Election Commission shall be liable for severe legal action.

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e. Unless rescheduling of loan default is done a defaulter shall be ineligible for contesting election. The surety of a defaulter shall also be equally ineligible.

II: PUBLICATION OF THE WEALTH STATEMENT AND OTHER PARTICULARS OF CANDIDATES:

a. A candidate shall be obliged to submit along with her/his nomination paper a statement on his/her wealth along with the wealth of his/her family members as well as information on his/her involvement in any economic and financial activities of the state.

b. As directed by the High Court candidates shall submit along with their nomination papers information on their educational qualifications, other credentials and criminal records if any.

c. The Election Commission shall take appropriate measures to inform people about the qualifications or disqualifications of the candidates.

III: QUALIFICATIONS FOR CANDIDATURE;

a. If a candidate or any member of his/her family is a loan defaulter he/she shall be treated as an owner of black money.

b. No government employee shall be a candidate in election in violation of government regulations.

c. Anyone with anti-liberation record as a war criminal shall not be eligible to be a candidate. This prohibition shall apply to independent candidates as well.

d. Parties shall take steps to ensure a compulsory transparent process of nomination from the grassroots and adherence to democratic process within the party as well as to prevent monetary influence on the nomination process.

IV: TO RID THE ELECTION OF THE INFLUENCES OF TERRORISM, MUSCLE POWER AND DEPRAVITY AND VILLAINY:

a. Application of brute force and carrying and display of arms at election shall be strictly prohibited. Steps shall be taken to severely punish use of force.

b. A person convicted of a crime shall be ineligible for participation in election for a fixed period.

c. No political party shall nominate a terrorist or a lord of black money as a candidate for election.

V: EXPLOITATION OF RELIGION AND COMMUNALISM IN ELECTION:

a. Misuse of religion in any way and communal propaganda and appeal to secure votes in the election shall be prohibited as a punishable offence.

VI: EQUAL OPPORTUNITY FOR ALL IN ELECTION:

a. Regulatory provisions in respect of posterage, leafleting and electric advertisement; and use of microphone, election banners, gates and wall writing shall be followed without exception. Local election officer shall ensure adherence to regulations and any breach of laws and rules shall be reported forthwith to the Election Commission for immediate action.

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- b. The Commission shall arrange for projection meetings in every constituency.
- c. From the day of announcement of the election schedule all expenses on assemblies, grand show-downs, rallies and public meetings shall be strictly controlled.
- d. In a constituency, except for the election office as per election manual, no other structure for electoral club, camp or publicity centre may be set up.
- e. The time for use in the electronic media (Radio & TV) shall be equitably distributed and expenses on this account shall be strictly regulated.
- f. The Commission shall supervise and monitor all these matters and cancel the candidature of violators of the rules.

VII: TRANSPARENCY IN THE CONDUCT OF ELECTION:

- a. Lists of Presiding , Assistant Presiding and Polling officers shall be provided to the candidates 15 days before the election so that if any objection is raised it may be disposed of well in advance.
- b. The list of polling centers shall similarly be published 15 days prior to the election.
- c. For public awareness on both these matters information shall be locally circulated.

VIII: THE ROLE OF THE LAW ENFORCING AGENCIES IN ELECTION:

- a. To ensure security of the election, to resist terrorism and communal activism and to ensure proper application of electoral laws and rules, the authority over the law enforcing agencies shall vest in the Election Commission and it shall have full powers of control over them.
- b. Amended articles 87A and 89A of P O 155 of 1972 made by the last Caretaker government changing the definition of law enforcing agencies and empowering them with magisterial powers shall be recanted. The charge of the armed forces and other law enforcing agencies during election as provided in 1972 Representation of the Peoples Order and 1991 election law shall be restored.

IX: TO ENSURE INTERNAL DEMOCRACY AND DEMOCRATIC CULTURE IN THE POLITICAL PARTIES:

- a. Political parties participating in election shall be obliged to conduct their organization according to democratic principles and elect their executives on a regular basis. They shall compulsorily submit their financial statement to the Election Commission.
- b. The Commission shall provide training regarding election to political workers.

X: CONDUCT OF POLITICAL PARTIES AND CANDIDATES:

The code of conduct as adopted shall be strictly followed and political parties shall cooperate in its enforcement. In order to

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assist the Election Commission at central and district levels all party advisory councils shall be formed.

XI: FEMALE REPRESENTATION:

Reserved seats for women shall be increased and direct election of women representatives shall be arranged.



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