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Nuts and bolts of Election Commission of Pakistan

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Elections have three major components, the election administering machinery and its officials, rules and procedures and their non-partisan enforcement and the management of the election exercise including polling and the announcement of results. The working of these components must be strictly observed. This means it should be easy to oversee the management of the electoral process and the involved institutions and functionaries.

The Election Commission of Pakistan was created on 23rd March 1956 under the Article 137 of the Constitution of 1956 with the Chief Election Commissioner as its head. The first Chief Election Commissioner was appointed on 25th June 1956. The Election Commission of Pakistan is an independent and autonomous constitutional body charged with the function of conducting transparent, free, fair and impartial elections to the National and Provincial Assemblies. The holding of elections to the office of the President and the Senate are, however, the functions of the Chief Election Commissioner. Under the existing laws the conduct of Local Government Elections is also the responsibility of the Chief Election Commissioner.

The Musharraf government promulgated several new orders and decrees for the 2002 national

elections in order to make a number of changes in the existing laws and procedures. The basic law for holding of national elections 2002 was the Conduct of General Elections Order, 2002 which was promulgated on 27 February. It was clearly mentioned in the Order that the elections held under this Order be deemed to have been held under the constitution.

The Election Commission is established by the constitution. Its composition and powers are also set out in the Election Commission Order 2002, which has been enlarged to reflect the federal character of Pakistan. The Election Commission is not a permanent body but is constituted on the basis of adhoc for the purpose of each general election to the National and Provincial Assemblies.

According to the Election Commission Order, 2002, the Election Commission consists of a Chairman (Chief Election Commissioner of Pakistan) and four members each drawn from the sitting judges of the High Courts of their respective provinces. All the executive authorities in the Federation and in the provinces are constitutionally duty bound to the Commission in the discharge of his or its functions.

The Chief Election Commission is appointed by the President. The other four members are each a judge of the High Court of each province and are

appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Chief Election Commissioner. Under the constitution, no person shall be appointed to be the Commissioner unless he is, or has been, a judge of the Supreme Court or is or has been a judge of the High Court and is qualified under the constitution to be appointed a judge of the Supreme Court. The Chief Election Commissioner holds office for a term of three years which may be extended for one year by the National Assembly and enjoys the same security of tenure as a judge.

The Election Commission of Pakistan is an independent and autonomous constitutional body charged with the function of conducting transparent, free and impartial elections to the National and Provincial Assemblies. The holding of elections to the office of the President and the Senate are, however, the functions of the Chief Election Commissioner. Under the existing laws the conduct of Local Government Elections is also the responsibility of the Chief Election Commissioner. The primary function of the Election Commission is "to organize and conduct elections and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with the law". These duties include preparing the electoral rolls for the

National and Provincial Assemblies, revising them annually and appointing Election Tribunals. The constitution mandate all executive authorities in the Federation and in the Provinces to assist the Chief Election Commissioner and the Election Commission in the discharge of their functions to carry out its duties and functions of organizing and conducting elections, the Election Commission has the power to issue such orders or directions as may be necessary to enable it to do complete justice in any matter before it. Any order of the Commission is equivalent to an order of the High Court in this regard.

The Election Commission of Pakistan enjoys full financial and administrative autonomy and works independently of all government control. The Commission performs its functions without interference of the executive. The Election Schedule for the conduct of general elections as well as for the by-elections is decided by the Commission or by the Chief Election Commissioner, as the case may be, the preparation of polling schemes, the appointment of polling personnel, assignment of voters and arrangement for the maintenance of law and order are under the control, supervision and directions of the Election Commission.

Though the Commission right from its birth performs an extra-

ordinary role in conducting the elections from time to time yet it has been criticized for failing to follow the spirit of the constitution. On different occasions in the past it was accused of partisan behaviour in favour of the incumbent government. It has been accused whenever it became a party to the government's plan of rigging or manipulating election results. This state of affairs was attributed to the gaps and deficiencies in the law. For instance, the constitution of 1956 and 1962 assigned the prerogative of appointing the Chief Election Commissioner to the President. The 1973 constitution dealt with the matter differently and provided for the appointment of the Chief Election Commission to be made on the advice of the Prime Minister. The eighth Constitutional Amendment was criticized when once again it authorized the President to make this appointment in his discretion. The opposition parties declared that this power was meant to induct favourites into office or with a view to rig an election or manipulate its results.

However, being a major component of the electoral process and an important state's institution, the Election Commission has to work with extreme sincerity in order to play its role in the uplift of democratic norms and traditions through the process of free, fair and transparent elections in the country.