

Electoral Malpractices in Pakistan: A Case Study of the General Elections 2008

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Abstract

Pakistan's electoral history is marred by electoral malpractices. They occurred in different types of regimes; civilian and military. There are some manipulators such as military, bureaucracy and politicians. There are various factors that cause these malpractices but the most important is the quest of power that leads the manipulators to rig the elections. The manipulators use different techniques for electoral frauds. General Elections 2008 were the most crucial and consequential elections in the history of Pakistan. The elections were massively rigged in its first phase, because of system and pre-poll rigging. Musharraf and his King's Party PML-Q were fully prepared to rig the elections but they could not do so because military and intelligence agencies were not with them and another reason was that the people turned against Musharraf and his King's Party. The turn-out was higher than the previous elections and about 20,000 fake votes could not help the manipulators to get desired results. Although there were some constituencies where electoral malpractices occurred at the highest level and they affected the results, but they were very few and the hung Provincial Assemblies were the result of these malpractices on election day. After the elections Musharraf tried his best to harm the new government but he had to face the failure. Asif Zardari government was formed with a pliant parliament. There are some

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ways to prevent these electoral malpractices, such as independence of Election Commission, media and judiciary. The voter education is also very necessary. The election observers also play very important role to ensure free and fair elections.

Introduction

The electoral activities in violation of the laws of Pakistan and constitutional provisions are outright electoral malpractices. These activities may relate to the pre-poll, polling-day and post-poll phases of an election.¹ Being an aggregate of distressing stories and fraud, electoral malpractices are a complex whole, a four-phased recurring phenomenon that originates with system rigging, and continues through pre-poll to polling-day and post-poll rigging. Responsibility for their origin and currency lies with three key actors: politicians, bureaucrats and military, who seek to manipulate elections for retaining or attaining power.²

History of repetitive circle of electoral malpractices in Pakistan dates from her first post-independence provincial elections in 1950s. These elections were thoroughly rigged by the incumbent Muslim League governments. Barring the subsequent/sole and somewhat noble example of 1970 elections, episodic elections in Pakistan have neither been free nor fair.³ These flawed and tainted elections offer however, interesting insights into the very nature and enormity of malpractices; the *modus operandi* of their perpetration, their perpetrators, and their short and long term implications for representative democracy. Although some of the malpractices overlap in these elections, yet every election, like any important political event, reveals peculiarities of its own. This holds ground for the comparatively less controversial elections of 2008 held by Musharraf government.

This study is an attempt to trace the history of these frauds with special emphasis on 2008 elections in Pakistan. The questions to be

1 Ijaz Shafi Gillani, *Reflections of the Electoral History of Pakistan* (Islamabad: PILDAT, 2008), p.9.

2 Unpublished thesis by the author, *Electoral Malpractices during the 2008 Elections in Pakistan*.

3 Inayatullah, *Essays on State and Democracy in Pakistan* (Lahore: Vanguard Books, 1997), p. 196.

addressed are: what are the causes of electoral malpractices in Pakistan? Why do authoritarian regimes indulge in electoral malpractices? Was there any pre-election deal between Benazir Bhutto and Musharraf that affected the outcome? Why could the PML (Q), being the King's Party, not massively rig the 2008 elections, especially on the poll-day or immediately thereafter? Whether the post-election conduct of the PPP-led coalition government has been consistent with the PPP's pre-election slogan of food, clothing and shelter to the poor? To what extent the coalition government has become a party to or the victim of the post-poll intrigues and machinations?

Elections are the source to get a democratic government. Democracy as government of the people, for the people, and by the people, has elections as its key component. Ironically, elections in Pakistan have not been reflective of people's choice. They have been widely seen by the political elites as merely an instrument of state power.⁴ Entrance into political arena is driven by a desire for personal gain, not by a genuine commitment, or sensitivity to the people. State resources are the most valued prize for both politicians and their constituencies. A client-patron relationship has evolved out of this impulse, between the holders of the state power and seekers of public services. Ultimate authority over resources lies in the hands of individuals, not formal institutions following set procedures. Where power is highly personalized and weakly institutionalized, the political process is replaced by arbitrary and informal transactions. This has been as much a function of feudo-political ethos as of the non-elected civil-military bureaucracy — all committed to the preservation of status-quo, and only grudgingly participating in the political processes with the diabolical intentions of legitimizing government.⁵

4 For details see Jeffery Isaac, "Conceptions of Power," Marry Hanksesworth and Maurice Koyan, eds., *Encyclopaedia of Government and Politics* (New York: Routledge, Vol.1, second edition 1992, reprint, 2004), pp. 54-119.

5 Andrew Wilder, *The Pakistani Voter Electoral Politics and Voting Behaviour in the Punjab* (Karachi: Oxford University Press, 1999), p. 215. Also see 5 Robert W. Stern, *Democracy and Dictatorship in South Asia Dominant Classes and Political Outcomes in India, Pakistan and Bangladesh* (London: Praeger Publishers, 2004), p.15. Pervaiz Iqbal Cheema, "Pakistan: The Challenge of Democratization," *Rule of*

Notwithstanding constitutional guarantees for democracy, viceregalism / praetorianism has continued to defeat egalitarianism in Pakistan. Given the specific nature of circumstances and situation obtaining in the country at its birth, viceregalism was seen as a stabilizing force against centrifugal trends. With Jinnah gone, his political legatees had neither the will nor the potential to develop a genuine democracy, the *sine qua non* of which is free elections based on adult suffrage. Sixty-two years after independence, political forces are still seeking to establish their bonafides in conflict or competition with civil-military bureaucracy, the monopolisers of power and privilege in Pakistan.⁶

Key Manipulators

Now we will endeavour to pinpoint the key players who have indulged with impunity in these malpractices to grab power. In Pakistan there has been a very limited reshuffling of major political actors. Since independence, the same political forces have alternated power. Even under multi-party elections, there has been no serious threat to the ruling elite. In parliament, faces barely change as constituencies and loyalties remain entrenched. Who are these recycled elites? In Pakistani context, these are:

- i. Politicians (landlords and industrialists)
- ii. Bureaucrats
- iii. Army

Causes of Electoral Malpractices

Having pinpointed some key sources of malpractices, it will be worthwhile to turn to their causes. Power being the legitimate expectation of a politician has not been pursued by the politician in Pakistan with responsibility. According to Sayeed, Pakistan was very much like Hobbes' state of nature where every political and

Law and Organization of the State in Asia: The Multicultural Challenge (Munich: Institute Du Federalism Fribourg Suisse, 2000).

6 Lawrence Ziring, "The Second Stage in Pakistani Politics: The 1993 Elections," *Asian Survey*. Vol.33, No. 12, (December, 1993), p.1176.

provincial group fought against every other group. It was a ceaseless and ruthless struggle for power.⁷

This 'quest for power' has been intense both in the case of military rulers as well as of the politicians. Both indulged in electoral malpractices to retain ill-gotten power and privilege. Both considered the elections as the means of seeking and legitimizing power, and both were responsible for subverting their course and content. To the lingering power struggle between the civil-military bureaucracy and political forces, there seems to be no end in sight, despite the cataclysmic dismemberment of Pakistan in December 1971. Despite their variations in style and format, the consistent theme running through nearly all of these electoral exercises was that their primary purpose was to legitimize the retention of power by unelected institutions of the state rather than to transfer power to elected institutions.⁸ Nevertheless, one cannot overlook the frequency with which military-bureaucratic elites have connived in the destabilization of elected governments and actively sought to weaken or subvert open political processes.⁹

In Pakistan, there is a wider understanding among various sections of the society, such as the tribal and landed elites, professional middle classes, students, trade unionists and peasants, that elections are nothing but a means to power.¹⁰ And that actual candidates, establishment and bureaucracy in Pakistan find in these periodic elections a legal cushion for retaining power. All this reduces electoral politics in Pakistan to a humbug so vital to these groups, whose vigorous pursuit of power leaves behind a wide array of allegations of electoral frauds and anti-democratic behaviour. Most of the election-related complaints in Pakistan point to the failing standards of democratic behaviour unleashed at every stage

7 K. B. Sayeed, "The Collapse of Parliamentary Democracy in Pakistan," *Middle East Journal*, Vol. 8, No. 4, (Autumn, 1959). Cited in Tahir Amin, "1977 Coup D'etat in Pakistan," *Pakistan Journal of History and Culture*, Vol. xxviii, No. 2, (July-December, 2007), p.33.

8 Andrew Wilder, "Elections 2002: Legitimizing the Status Quo," Craig Baxter, ed., *Pakistan on the Brink*, p 102.

9 Syed Nur Ahmed, *From Martial Law to Martial Law: Politics in the Punjab, 1919-1958*, Craig Baxter, and trans. (Boulder, Colo: Westview Press, 1985).

10 Muhammad Waseem, *Democratization in Pakistan: A Study of 2002 Elections* (Karachi: Oxford University Press, 2006), pp.34-35.

of the cumbersome process of elections. Commencing with the pre-poll arrangements, the alleged irregularities recur both during and after the polls.¹¹

Historical Background

In the light of cumulative electoral experience of Pakistan, one is left guessing as to why the saga of malpractices has been so enduring. Even the early leadership of newborn Pakistan could not demonstrate a genuine commitment to electoral democracy. A country gained through ballot did not have a general election during 1947-1958. The first ever general elections in the country were held 23 years after independence in 1970 and that too by a military government. By and large it was fair; its credibility was compromised however, by the post-election dalliance of the regime to transfer power to the winner Awami League.¹² The resultant political crisis and civil strife, followed by the military action, did imperil the national unity and gave India the needed opportunity to strike. The first ever general elections ended up in dividing the country into two.

The next elections conducted by the elected civilian government of Zulfikar Ali Bhutto in 1977 were massively rigged, and were therefore responsible for provoking a nation-wide protest by the nine political parties, known as PNA.¹³ The agitation paralyzed the government and facilitated military takeover by General Zia on 5 July, 1977. General Zia, who later created a civilian façade through party-less general elections in 1985, ruled the country for eleven years.¹⁴ Since 1988, five general elections

11 Inayatullah, "Structural Imperatives for Fair Elections," in Muhammad Waseem ed., *Electoral Reforms in Pakistan* (Islamabad: FES, 2002), p. 71.

12 Hamid Yusuf, *Pakistan: A Study of Political Developments 1947-1997*, p. 121. Rafique Afzal, *Pakistan: History and Politics 1947-1971*, p. 399. Richard Sisson and Leo E. Rose, *War and Secession: Crisis and Decision in South Asia, 1971* (Berkeley, California: University of California Press, 1988).

13 Hasan Askari Rizvi, *The Military and Politics in Pakistan*, p. 222. Sharif al Mujahid, *The 1977 Pakistani Elections: An Analysis*, p. 85. White Papers, pp. 26-42. *The Pakistan Times*, 23 June 1977, p. 10, cited in Tahir Amin, '1977 Coup D'etat Pakistan', p. 42.

14 Ijaz Shafi Gilani, *Reflections on the Electoral History of Pakistan* (Islamabad: PILDAT, 2008), p. 13. Muhammad Waseem, *Pakistan under Martial Law 1977-1985* (Lahore: Vanguard Books, 2002), p. 30. Waseem, *Politics and the State in Pakistan*, p. 397.

have been held, each after the dismissal of elected government under the controversial 58 2(b) and under partisan caretaker setup. The fifth and the last such dismissal was in October 1999 by General Musharraf on the familiar grounds such as politicians' corruption; elected government's failure to promote public interest, economy, law and order situation and intolerance towards the opposition.

Musharraf asserted that the country required structural reforms in all areas of national life that the previous government was incapable of devising and that he wanted to replace the "sham democracy" with "true democracy". He promised fresh elections after changes in the system of governance.¹⁵ Among other changes, he empowered himself with the constitutional prerogative of dissolving legislatures or dismissing governments under the seventeenth amendment to the constitution.¹⁶ After tampering the Constitution, Musharraf held local government elections and then a flawed presidential referendum to give strength and length to his regime. Musharraf's military government carefully manipulated those elections as part of his efforts to civilianize military rule.¹⁷ With the popular leadership (Benazir and Nawaz Sharif) already

15 Ahmed Rashid, 'Elections 'Rigged in Pakistan by the Military Regime', 19 October 2002, <http://www.neevia.com>, retrieved on 11 October 2008. Cited in, Matloob Ahmed Warraich, *Twenty Dictators of the 20th Century* (Lahore: Book House, 2004), p. 265.

Maria Madalena L. Carvalho-Fischer and Mathias Fischer, *Pakistan Under Siege: Pakistan after September 11 2001*, p. 168.

16 Andrew Wilder, Election 2002: Legitimizing the Status Quo, in Craig Baxter, ed., *Pakistan on the Brink: Politics, Economics and Society* (Karachi: Oxford University Press, 2004), pp. 102–104. For full text of PCO see Muhammad Yasin, 'Assemblies, Senate Suspended: Constitution in Abeyance', *Dawn*, 15 October 1999. For full text of the oath (judges) Order, see *Herald*, February 2000. I. A. Rehman, 'Its Just Not On', *Newsline*, February 2000, pp. 37–39. Razaqat Ali, 'Government Given Three Years to Hold Polls', *Dawn*, 30 May 2000.

17 The Punjab government's approval of a hefty sum of Rs. 3.5 million for only two public rallies was an indication of the money poured into that effort. *Nation*, 4 April 2002. Ansari, 'How the Referendum was Won', *Dawn*, 10 April 2002. For details of Musharraf's campaign see Muhammad Waseem, *Democratization in Pakistan*, pp. 78–80. Zahid Hussain, 'The Great Gamble', *Newsline*, April 2002, p. 18. Andrew Wilder, 'Pakistan in 2002', p. 106. Ian Talbot, 'Pakistan in 2002: Democracy, Terrorism and Brinkmanship', *Asian Survey*, Vol. 43, No. 1 (January–February 2002), pp. 202–203. Matloob Ahmed Warraich, *Twenty Dictators of the 20th Century* (Lahore: Home Book, 2004), p. 274.

exiled, he used the leadership vacuum to pursue his carefully crafted political agenda of roping in the potential turncoats. Elections served as an important instrument of co-opting pliant element and inventing what he himself called a “label democracy”. The 2002 elections were thoroughly rigged by a coterie of military officers and their political collaborators, i.e. PML-Q, MMA, and MQM.¹⁸ Electoral authoritarianism prevails in Pakistan. Whether the elections have been competitive, semi-competitive or non-competitive, rigging has been their signpost. Politicians and army with the help of bureaucracy has been co-accomplice in the art of engineered elections. The quest for power has often led the stakeholders astray from legal and democratic norms.

Electoral Malpractices during the General Elections 2008 in Pakistan

On February 18, 2008, Pakistan held critically important elections for its National Assembly and Provincial Assemblies. These elections were a major test of the country’s prospects for democracy and political stability, offering Pakistan an important opportunity to establish a new basis for democratization and to mitigate the entrenched polarization of its politics. Past elections in Pakistan had not contributed to the development of a viable democratic system. Flawed and controversial contests as well as recurring shifts of power between the politicians and the military over the decades demonstrated the poverty of democratic culture and the failure of political elites to agree on the rules of the game and to forge a truly democratic political system. Extreme polarization, politically motivated violence, and accusations of manipulation and cheating have long plagued elections and have created widespread public cynicism about the legitimacy and value of the electoral process. The elections were held during widespread uncertainty, controversy and political turmoil, and significant pre-election violence. Despite these shortcomings, the elections

18 Ahmed Rashid, ‘Elections ‘Rigged in Pakistan by the Military Regime’, 19 October 2002, <http://www.neevia.com>, retrieved on 11 October 2008. Cited in, Matloob Ahmed Warraich, *Twenty Dictators of the 20th Century* (Lahore: Book House, 2004), p. 265. Andrew Wilder, ‘Pakistan in 2002’, p. 106. Ian Talbot, ‘Pakistan in 2002: Democracy, Terrorism and Brinkmanship’, *Asian Survey*, Vol. 43, No. 1 (January—February 2002), pp. 202–203.

provided a genuine opportunity for voters to exercise their democratic choice.

The incumbent government which was elected in 2002 elections was to complete its term in 2007. According to the 1973 Constitution, after the completion of term, elections must be held within 90 days. Hence, twelfth general elections were due at the end of December 2007. General Musharraf had been in power for more than eight years, yet he was determined to ensure the longevity of his government. Referendum had done greater damage than good to his faltering image. He was under tremendous pressure from within the country and the Western allies, in particular the US, to doff his military uniform.¹⁹ He knew army was his constituency and its continued command a sure lever of control on it. Before obliging his friends and critics on the uniform issue, he wanted to create a rubber-stamp assembly, the replica of the one he had hatched in 2002. From such an assembly, he wanted a certain re-election before quitting the army command.

Musharraf wanted to retain power at any cost, even if it required manipulation of elections. He tried different new and old techniques of electoral malpractices, starting from system rigging, pre-poll, polling-day and post-poll malpractices. Following ploys or strategies were used by Musharraf:

1. System rigging
2. Pre-poll malpractices
3. Polling-day irregularities
4. Post-poll machinations

System Rigging

System rigging is the first step taken by any government or regime to manipulate the elections. General Musharraf began to rig the system almost a year before the event. System rigging by incumbents comprises methods like constitution tampering, judicial manoeuvrings and changing election laws etc. The extent to which

¹⁹ 'Musharraf's re-election move to be challenged', *Dawn*, 26 July 2007. CEGP-PILDAT, 'Presidential Election 2007 Constitutional, Political and Ethical aspects of General Pervaiz Musharraf Seeking Elections for Another Term', p. 5.

Musharraf regime rigged the system added a new chapter to the history of electoral frauds in Pakistan. Being at the helm of power for a considerable time, he had gained enough experience of electoral politics. With a military precision he wanted to hold the ritual of elections to serve the twin objective of conferring legitimacy on his rule, and to develop civil-military partnership in the domain of power.

As each historical event informs subsequent events, so did the previous martial laws as far as Musharraf's repertoire of political tactics was concerned. Ayub and Zia had masterminded elections to create subservient parliaments; Musharraf had no wish to create a sovereign parliament, one which might imperil his own freedom of action and authority. Following the footsteps of his military forebears, General Musharraf used some old and new techniques. New techniques were judicial and constitutional meddling and old ones were related to the code of conduct, election laws and electoral rolls etc.

In January 2004, immediately after adoption of the 17th Amendment to the Constitution, General Musharraf obtained a vote of confidence from the parliament as President.²⁰ The 17th Amendment had provided Pakistan's armed forces with a significantly enhanced role and enabled the President to dismiss the government and the assemblies at his own free will. In return, President Musharraf promised to shed his army post by the end of 2004. However, he later recanted his commitment, a cunning move he sought to justify by arguing that his uniform was essential to combat extremism. In fact he wanted his own re-election under the shadow of uniform.

On the whole the actions of President Musharraf during the entire length of his tenure and especially during the twilight months of 2007 created a compromised legal environment that left little possibility of free and fair parliamentary elections. Musharraf's extra constitutional manipulations of the judiciary during 2007, detention of protesting lawyers and jurists, and suspension of the

20 On November 30, 2004, parliament passed an act to allow Musharraf to hold the dual offices of President and Chief of the Army Staff until the end of his President term. "President to Hold Another Office Act, 2004", Act No. 7 of 2004, *Gazette of Pakistan*, Islamabad, Part I, 2004, pp. 177-178.

constitution all contributed to the highly problematic pre-election environment.²¹ In addition, the expansion of executive powers during Musharraf's tenure gave undue authority to the executive over the electoral process as a whole and diminished the independence of the ECP.²² Musharraf promulgated several Executive Orders in 2007 that affected the elections, such as the Electoral Rolls (Amendment) Ordinance, which extended the period of reviewing the draft electoral rolls, and the NRO, which permitted Benazir Bhutto to return to Pakistan and contest the elections, moreover, curbing dissent, judiciary and political parties.²³

Musharraf's mission to retain power was not achieved yet. After tampering with the constitution and the judiciary, the pre-poll phase was also occupied by jam-packed electoral malpractices by Musharraf and his aides. Before any details of the pre-poll malpractices, it would be interesting to examine the electoral process and the environment on the eve of the elections. For the first time in Pakistan's history, its parliament although a subservient one, was to complete its term on stipulated time, following which elections were to be held within 90 days. These elections were to decide not only the fate of the Musharraf regime, but also the future of democracy.

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- 21 'Musharraf Declares State of Emergency', *The New York Times*, 3 November 2007, <http://www.nytimes.com/2007/11/03/world/asia/04pakistan.html?ex=1351742400&en=77ea207aa448027d&ei=5088&partner=rssnyt&emc=rss> Massoud Ansari, 'Emergency', *The Herald*, November 2007, pp. 79–80. Ordinance No. LXV of 2007, 'An Ordinance to amend the Pakistan Electronic Media Regulatory Authority', Ministry of Law, Justice and Human Rights, Government of Pakistan, Islamabad, 3 November 2007.
- 22 Election Commission Order (Section 9E), Conduct of General Election Order Section 9 (1), Political Parties Order (Section 19), Representation of People Act (Section 107), Electoral Rolls Act (28). ROPA 1976 Section 14 (5). Election Commission Order (Section 9F), Conduct of General Election Order (Section 10. 1), Electoral Rolls Act (Section 28A), Delimitation of Constituencies Act (Section 10B).
- 23 Amir Waseem, "Benazir Sees Plot to Impose Emergency," *Dawn* (Islamabad), July 18, 2007.
- "Musharraf Declares State of Emergency," *The New York Times*, November 03, 2007, <http://www.nytimes.com/2007/11/03/world/asia/04pakistan.html?ex=1351742400&en=77ea207aa448027d&ei=5088&partner=rssnyt&emc=rss>. "Massoud Ansari, "Emergency," *Herald* (Karachi), November 2007, p. 78. Syed Talat Hussain, "In The Name Of Democracy," *Newsline* (Karachi), November 2007, p. 22. Hamid Mir, journalists, interview by author, April 22, 2009, Geo Office, Islamabad.

Political parties in Pakistan have always longed for general elections, the known democratic route to power. The two major political parties, PPP and PML (N) had contested the 2002 elections from a position of disadvantage with their leadership exiled to Dubai and Saudi Arabia. The return of Benazir Bhutto and Nawaz Sharif shortly before the elections served as morale booster for the party cadres and their supporters.²⁴ Other significant political parties to contest elections were the PTI, ANP, MQM, and MMA. On the other hand, the King's Party PML (Q) was also poised for tough political battle. With the military Chief and Supreme Commander of the Armed Forces still holding the office of the President, Army as an institution was still involved in the power politics and elections.

The Election Boycott

All Parties Democratic Movement (APDM) was an anti-Musharraf political alliance. It was formed by Nawaz Sharif along with PTI, JI and Pakhtunkhwa Milli Party (PKMP), but excluding PPP. Prior to the elections, rumours were rife about a deal between Benazir Bhutto and General Musharraf. The APDM led an active campaign for a boycott of the elections, arguing that the upcoming elections were going to be fraudulent. Baluchistan-based PKMAP, together with Baluch nationalist parties (the Baluchistan National Party and the National Party), became the most significant parties of the APDM. Encouraging people to boycott an election is an offence under the Penal Code, carrying penalties of up to three years imprisonment and seven years of disqualification.²⁵ There

24 Interview with Imran Khan.

Crisis Group Alert, *Pakistan: Emergency Rule or Return to Democracy?*, 6 June 2007. *The New York Times*, 3 November 2007.

<http://www.nytimes.com/2007/ii/03/world/asia/04pakistan.html?ex=1351742400&en=77ea207aa448027d&ei=5088&partner=rssnyt&emc=rss> Ron Suskind, *The Way of the World* (Great Britain: Simon & Schuster, 2008). The Supreme Court had ruled that, under Article 15, Nawaz Sharif has an 'inalienable right to enter and remain in the country', and asked the government not to restrain, hamper or obstruct his return. A contempt of court case regarding Sharif's subsequent expulsion was being heard by the Supreme Court when Musharraf declared the State of Emergency. 'Sharifs can return: Supreme Court', *Daily Times*, 24 August 2007.

25 The penalty for boycotting an election or referendum and inciting others to do so is imprisonment for up to three years, or fine, or both. Pakistan Penal Code, Section 171 (j).

was no prosecution on grounds of boycott. Imran Khan defended the decision to boycott the elections which were pre-rigged and were held under a PCO, and when 60% judiciary was illegally and unconstitutionally removed. Participation in the elections would have a legitimizing role for Musharraf.²⁶ Regardless, the APDM openly encouraged people to boycott the polls, although some members of the alliance, JUI, ANP, and PML-N were wavering on the issue of boycott. But some allies decided to contest the elections which included PPP, PML (N), Jamiat-i-Ulema-i-Islam (JUI-F) and Awami National Party (ANP).

Pre-poll Malpractices in 2008

Benazir Bhutto expressed serious reservations about the transparency of the up-coming general elections. She was sure about the 'massive' rigging plan by the government; she objected judicial transfers and postings, partial caretaker setup, subservient Election Commission, as well as the continuation of previous chief ministers with all powers intact.²⁷

The 2008 elections were massively rigged at this stage with PML (Q) being a party close to Musharraf and caretakers, availing a disproportionate share in malpractices. Although in twilight-zone, General Musharraf still used his powers, civil-military bureaucracy and like-minded politicians to achieve 'positive' results. The motive behind these malpractices was the brutal quest for power which led civil-military bureaucrats and politicians to twist the popular mandate. System rigging and pre-poll malpractices contained some novel techniques by the pro-government parties and workers. The pre-poll environment of the February 2008 elections in Pakistan was marked by uncertainty, controversy and political turmoil.

On October 6, 2007, in a vote boycotted by the opposition parties, Pakistan's outgoing national and provincial legislatures re-elected Musharraf as President. On October 18, 2007 after eight years in exile, opposition leader and former Prime Minister Benazir Bhutto returned to the country after reaching an understanding with President Musharraf that included an amnesty for pending

26 Imran Khan, President PTI, interview by author, video recording, March 20, 2009, PTI Office, Islamabad.

27 *Daily Times* (Islamabad), December, 6, 2007.

corruption cases.²⁸ On November 3, 2007, President Musharraf declared a state of emergency and suspended the constitution. Under emergency rule, Musharraf ordered the dismissal and detention of a majority of judges from the Supreme Court, including Chief Justice Iftikhar Mohammed Chaudhry. Pakistan's Supreme Court was expected to rule within days on the legality of General Musharraf's re-election as President. Musharraf also placed new restrictions on the media, shutting down private televisions and radio stations across the country. According to Hamid Mir, "The main objective of banning us was to pressurize Pakistani media to accept a new Code of Conduct for print and electronic journalism. This new code was drafted just to manipulate and rig the elections. He challenged Musharraf to provide solid justification for demanding the acceptance of the code, and vowed that media will not capitulate to Musharraf's designs for rigging the elections. Media will fight, against the terror and tyranny on February 18."²⁹ Mir also confirmed how emergency rule nearly destroyed the media. Governments used carrot and stick methods and even allowed some new channels to encourage cut-throat competitions. In this tussle, the ultimate loser was Musharraf, as official curbs and controls served as credibility enhancers for media.³⁰ Others to confirm government high handedness during the emergency rule were Reporters Without Borders, who reported in January 2008 that, "Pakistan's media are not free to provide proper coverage of the legislative elections . . . because of a climate of censorship that is sustained by the permanent threat of fines, closures of news media and arrests of journalists."³¹

Election campaigning in all the four provinces was marked by a combination of fierce rhetoric and opportunistic defection. Each party propagated a negative image of other parties. Charges and

28 Ron Suskind, *The Way of the World* (Great Britain: Simon & Schuster, 2008).

29 Hamid Mir, journalist, interview by author, April 22, 2009, Geo Office, Islamabad. Pakistan Politics, "Hamid Mir Writes to Journalists", February 17, 2008, <http://pkpolitics.com/2008/02/17/hamid-mir-writes-to-journalists/>. Retrieved date April 22, 2009.

30 Hamid Mir, journalists, interview by author, April 22, 2009, Geo Office, Islamabad.

31 Reporters without Borders, "Five key problems for media coverage of February's legislative elections," January 9, 2008, http://www.rsf.org/article.php3?id_article=24976. Retrieved date March 24, 2008.

counter-charges were the rule of game. Too much was wasted both in terms of money and time on highlighting the opponents' negative pursuits rather than seeking constructive solutions to problems faced by the nation.³²

After analyzing this scenario, it is not possible to suggest that pre-poll rigging did not take place. The malafides of the government intention were confirmed when it refused the opposition's demand to suspend the local bodies, in particular the partisan district and tehsil Nazims who could use their official resources and clout in favour of friends and PML (Q) candidates.³³ If the intentions were noble, why was it not possible to re-constitute an independent Election Commission based on consensus among the contesting political parties? If the intent was to hold a free, fair and transparent election, its corollary could not be a partisan caretaker government. Amid increasing tensions and protests, Benazir Bhutto had emerged as a voice of opposition to military rule until she was assassinated in a suicide attack at a public rally on December 27, 2007. Circumstances surrounding the assassination have generated substantial controversy. In the aftermath of Bhutto's assassination, riots left a number of people dead, and the government postponed the elections, which were scheduled for January 8, 2008.

Polling-day Irregularities

The 2008 elections were blemished by massive rigging before and during the event. The election day that was stained by violence, recovery of pre-marked ballot papers from the possession of PML (Q) candidates in Sindh and the withholding of results for manipulation in a number of constituencies. During the polls, rigging took place at a massive scale but in a limited number of

32 Pervaiz Iqbal Cheema, "National Government: A Panacea," *The Post* (Lahore), February 24, 2008.

33 The Local Government Ordinance 2000 as well as the spirit of the ECP Code of Conduct for Political Parties and Contesting Candidates for General Elections 2008 (article 1(17) and Section 83 of The Representation of the People Act (1976).

'Nazims need to be made neutral, EU team told', *Dawn*, 28 January 2008. FAFEN Elections Update-3, Role of Nazims and Local Government Officials, 6 December 2007, Islamabad, pp. 1-2. Also see: 'LG reps supporting political parties: FAFEN report', *The Post*, 27 January 2008, *The News*, 28 January 2008. 'Nazims running poll campaigns: Report', *Dawn*, 10 February 2008.

constituencies, with the help of private militia.³⁴ The worst offenders were the PML (Q) and MQM candidates, who used every possible means to manipulate the elections. Several national and international election monitoring teams reported polling-day frauds. For instance, NDI and Centre for Civic Education (CCE) raised concerns about the flawed electoral list, intimidation, violence and kidnapping before and on the election day. They also noted a lack of adequate polling staff, abrupt changes in polling scheme and inadequate security measures. They also questioned the ECP's inability to announce the number of postal ballots issued.

Discrepancies between the Registered Votes and Turn-out

It is no wonder that the results of the elections were challenged by losing candidates in many cases. They demanded fresh elections. The results were not accepted as the votes cast, in some cases, exceeded the turn-out whereas the results announced unofficially conflicted with those by the ECP. In most areas the voters lacked any enthusiasm with the polling stations, wearing deserted look, yet the results painted an entirely different picture. Many of the polling-day frauds took place in closely contested constituencies, where even minor irregularities would make a significant difference in effecting the outcome.³⁵ As the number of ballots cast exceeded the number of registered votes, the turn-out was surely above 100 percent.³⁶ Moreover, in about one-third of all constituencies there were polling stations with abnormally high voter turn-out as compared to the rest of the constituencies.

The table 1 shows the constituencies where one or more polling stations reported 100 percent or greater turn-out. There were other constituencies too where the reported turn-out was well above average for them.

34 Arif Mehmood Sheikh, *The Post*, 19 February 2008. *The News*, 18 February 2008. *The Post*, 18 February 2008. Qurban Ali Khushk, 'Rangers find blank ballot papers?', *Dawn*, 18 February 2008. Mehmood Sheikh, '200 ballots snatched from polling staff', *The Post*, 19 February 2008. *Dawn*, 22 February 2008.

35 FAFEN, *Pakistan General Elections 2008 Election Observation Summary & Recommendations for Electoral Reforms*, June 2008, pp. 34–35

36 FAFEN *Elections Result Analysis*, Islamabad, 8 August 2008, p. 3.

Table No. 1: Constituencies with 100 percent turn-out.

| Province | No. of constituencies with one or more polling stations having turn-out greater than 100% | Constituency Numbers |
|-----------------|---|--|
| NWFP/FATA | 7 | NA-2, NA-6, NA-12, NA-17, NA-23, NA-24, NA- 25 |
| Federal Capital | 2 | NA-48, NA-49 |
| Punjab | 36 | NA-58, NA-60, NA-70, NA-76, NA-77, NA-80, NA-84, NA-86, NA-92, NA-93, NA-94, NA-97, NA-98, NA-103, NA-107, NA-118, NA-120, NA-126, NA-128, NA-131, NA-132, NA-136, NA-147, NA-153, NA-161, NA-162, NA-163, NA-170, NA-171, NA-172, NA-175, NA-177, NA-188, NA-195, 196 |
| Sindh | 6 | NA-203, NA-212, NA-216, NA-219, NA-224, NA-236 |
| Baluchistan | 4 | NA-262, NA-263, NA-269, NA-270 |

Source: FAFEN *Election Results Analysis-IV*

The fact is that in the elections turn out was not so high, and the instances of planned and selective rigging were far too many to ignore. The exaggerated turn-out was indicative of trickery and foul play on the part of party workers, personal militia, and of the intelligence agencies. There is little doubt that the PML (Q) and MQM marched ahead of everyone else in this seamy business of electoral frauds and selective rigging³⁷. As if this was not enough, the conflicting unofficial and official results gave the critics, yet another justification to question the authenticity of the elections.

37 Asif Chaudry, *The Nation*, 18 February 2008. *The News*, 20 February 2008. *The Post*, 19 February 2008, *Dawn*, 21 February 2008, *Dawn*, 22 February 2008. *Dawn*, 19 February 2008. *The News*, 18 February 2008. *The Nation*, 19 February 2008, *Dawn*, 20 February 2008.

Difference in Election Results— Parallel Vote Tabulation (PVT) Estimate VS Election Commission Unofficial Results

In the following section the difference between the official and unofficial results will be explored. According to the FAFEN's Parallel Vote Tabulation (PVT) data there were seven constituencies in a group of 48 for which the PVT result differed from that of the ECP. The difference was the result of the polling-day fraud.³⁸ The seven constituencies showing a difference between the PVT and ECP results were NA-24, NA-25, and NA-29 in NWFP; NA-171, and NA-180 in Punjab; and NA-262 and NA-263 in Baluchistan. All of these were hotly contested constituencies. The difference of votes received by the winning candidates and the runners-up was marginal in additional seven National Assembly constituencies. These constituencies were NA-36 in NWFP; NA-73, NA-107, NA-176, and NA-196 in Punjab; and NA-270 and NA-271 in Baluchistan.³⁹ When asked to the secretary ECP, he replied that, "this was because of the partisan role of the President and caretaker government".⁴⁰

Table No. 2: Constituencies Having Difference in the Official and Unofficial Results.

| Province | Number of constituencies PVT different winner | PVT different with same winner | Constituencies for which difference in PVT estimate and ECP result are statistically significant |
|-----------------|--|---------------------------------------|---|
| Punjab | 03 | 12 | (different outcome) NA-64, NA-142, NA-163 (same outcome) NA-62, NA-86, NA-96, NA-103, NA-106, NA-113, NA-114, NA-115, NA-157, NA-159, NA-192, NA-192, NA-195 |

38 Ali Raza, 'Thousands Cast Bogus Votes', *The News*, 19 February 2008.

39 FAFEN *Elections Result Analysis*, Islamabad, August 8, 2008, p. 3.

40 Kanwar Dilshad, Secretary ECP, interview by author, April 22, 2009, Islamabad, video recording, ECP Office, Islamabad.

| | | | |
|-----------|----|----|---|
| NWFP/FATA | 1 | 3 | (DIFFERENT OUTCOME) NA-32 (SAME OUTCOME) NA-3, NA-4, NA-21 |
| Sindh | 0 | 8 | (SAME OUTCOME) NA-200, NA-206, NA-214. |
| Total | 04 | 23 | |

Source: FAFEN *Elections Result Analysis-II*, Islamabad. April 09, 2008.

The difference between the results in all of these fourteen constituencies was due to these elections in which every single vote could make substantial difference. Hence it could not be regarded as free and fair if the frequency of fraud and level of malevolent intention and intervention by state agencies and supporters of contestants would be so overwhelming.

In the National Assembly election, including reserved seats the PPP received 12 seats with 30.6 percent of the votes, the PML (N) received 91 seats with 19.6 percent of the votes, and the PML (Q) received 54 seats with 23 percent of the votes. PML (Q) received more votes than the PML (N), but fewer National Assembly seats. ANP and MQM won an additional 46 seats, while Independent candidates won 18 National Assembly constituencies. The MMA won only six National Assembly seats. The Provincial Assembly elections mirrored those for the National Assembly. With the PPP winning large share of seats in all the four Provinces, the PML (N) dominated the Punjab, ahead of both the PPP and the PML (Q). With a majority of 90 seats in Sindh Province and significant share of seats in the remaining Provinces, the PPP was all set to form government in Sindh and elsewhere. The PML (N)'s predictable victory in the Punjab rendered it a powerful player at both the national and regional levels.⁴¹

Amid allegations of frauds the PML (Q) won the most seats in the Baluchistan Provincial Assembly, where the mainstream parties had boycotted the polls and the PPP and the PML (N) were very weak and it was very easy for the military intelligence to rig the elections. The most of the candidates of the PML (Q) who were

41 FAFEN *Election Result Analysis*, Islamabad, 8 March 2008, p. 19.

declared as winners actually got no vote in Baluchistan Province. “Go to Baluchistan, said Hamid Mir, talk to the people, they never voted for any one. On the election day the polling stations were empty totally. The 2008 elections were drastically rigged and especially there was no election held in Baluchistan Province. There was rigging at all the National Assembly and Provincial Assemblies’ seats and rigging was conducted by the military agencies.”⁴²

In the post-election jostling for power, those elected on the PML (Q) platform switched loyalties enblock and joined the PPP-led government in the province. Other parties to fare well in the provincial elections were the ANP in the NWFP and the MQM (winning 51 seats) in Karachi and Hyderabad.⁴³

National Assembly Election Results

Table No. 3: Break-up of the Elected and Reserved Seats in the General Elections 2008

| Party | Elected seats | | Reserved seats | | Total |
|-------|------------------|------------------------|----------------|-------------|-------|
| | Party Candidates | Independent Candidates | Women | Non Muslims | |
| PPP | 88 | 7 | 23 | 4 | 122 |
| PML-N | 67 | 4 | 17 | 3 | 91 |
| PML-Q | 42 | 0 | 10 | 2 | 54 |
| MQM | 19 | 0 | 5 | 1 | 25 |
| ANP | 10 | 0 | 3 | 0 | 13 |
| MMA | 5 | 0 | 1 | 0 | 6 |
| PML-F | 4 | 0 | 1 | 0 | 5 |
| BNP-A | 1 | 0 | 0 | 0 | 1 |
| PPP-S | 1 | 0 | 0 | 0 | 1 |
| NPP | 1 | 0 | 0 | 0 | 1 |

42 Hamid Mir, Journalists/ Analyst, interview by author, video recording, April 22, 2009, Geo Office Islamabad.

43 Democracy International U.S, *Elections Observation Mission to Pakistan General Election 2008, Final Report*, May 2008, p.33.

| | | | | | |
|--------------|----|-----|-----|-----|-----|
| Independents | 18 | N/A | N/A | N/A | 18 |
| Total: | | | | | 337 |

Source: Election Commission of Pakistan

Here the question that arises is why in spite of widespread rigging and official backing the PML (Q) could not emerge as the largest party let alone a majority party in the National Assembly or Provincial Assemblies? Many analysts believed that the PML (Q) because of its association with the increasingly unpopular Musharraf regime, with a 'bogus' victory in 2002 elections and poor performance in office, it was unlikely to meet the challenge from more formidable foes like the PML(N) and the PPP. Whether it was anti-Musharraf vote, it cannot be said with great certitude. However, it cannot be denied that Musharraf's eight years of vainglorious rule during which a large number of people died due to militant insurgency or counter insurgency in Tribal Areas, in Baluchistan, and the economy took a plunge with even commodities like sugar and wheat-flour becoming short in supply, despite bogey officials claims of bumper crops, took its toll of the PML (Q)'s electoral fortunes.

On the other hand PML (Q) claimed that the establishment made PML (Q) scapegoat just to hide its own weaknesses, as there were three reports issued by the Governor State Bank within a span of four weeks only, which had a devastating effect on the national economy and exchange rate and also tarnished the image of the previous government of the PML (Q). It turned out to be a marked departure from the past when the Governor SBP issued only one or two economic reports in two years. Chaudhry Pervaiz Elahi's brother Javed Elahi claimed that if one looks at the way the crises developed one can see how the situation was manipulated ahead of elections and the entire economic set-up was shown to have collapsed. This could be seen as an attempt at tarnishing the image of the previous regime and damaging the PML (Q)'s vote bank; a ground had been prepared to justify its defeat.⁴⁴ Despite that PML (Q) president Chaudhary Shujaat Hussain accepted the defeat with an open heart, setting a new trend in the national politics.

44 Javed Elahi, "Massively Manipulated Polls," *The Nation* (Lahore), April 25, 2008.

Hundreds of national and international observers were present to witness the integrity of these elections. On the election day, observers noted substantive disenfranchisement of population due to defected voter rolls, feared violence, and gender exclusion. In some locations, semi-skilled election staff failed to scrupulously follow election procedures, potentially compromising confidence in the outcome. On the whole the balloting went smooth and most of the voters were able to cast their vote unhindered.

On the polling day in this election as in the previous ones there were numerous reported and unreported cases of frauds stigmatizing the whole process. The fraudsters used every possible technique, whether sophisticated or bizarre, to get the desired results. Wherever cases of ballot stuffing, fudging of result sheets or coercion were reported, the Election Commission, the watchdog of the elections, chose to ignore the matter. As for the law enforcement agencies, their legitimate but tongue-in-cheek answer was that they were tasked to maintain only law and order. As the caretaker (Soomro) government was the extension of PML (Q),⁴⁵ it worked in tandem with Pervaiz Musharraf, the District and Tehsil Nazims and local administration, to help the King's Party. They marked 90 National Assembly seats mostly in Punjab where they polled at least 20,000 fake votes on every seat under contest ensuring a bigger turnout than in the 2002 elections. Fake voting stemmed out of sheer desperation to win the elections as well as to mitigate the strong possibility of low turn-out due to instances of suicide bombing and precarious law and order situation in the country. Braving all these threats, a larger number of voters came out to exercise their democratic right and somewhat neutralized the impact of bogus voting. The vote-margin between the victors and loser was too wide even for the magic figure of 20,000 bogus votes per National Assembly constituency to cover.

The one single and most decisive factor in this election was the display of professional ethics and political neutrality by the army personnel under orders from the Chief of Army Staff (COAS)

45 As candidate of PML-Q Soomro was elected as Chairman of Senate, an office that he continued to hold with that of Prime Minister in the caretaker set up.

General Kayani to leave politics to the politicians.⁴⁶ This widely acclaimed impartiality of the Army was a right step to rebuild its image which Musharraf and his cronies had destroyed for personal gain. While a revamp for the soldiers, it helped expose the myth of Musharraf-PML (Q) popularity, and lent some credibility to the elections.

Despite multiple pre-election problems, and irregularities and violence on the election day, the February 2008 elections offered an opportunity to Pakistani electorates to express their political anger for whatever Musharraf's vainglorious rule represented. The resounding electoral defeat of the PML (Q), the party most closely aligned with President Musharraf, was aptly interpreted as a referendum on Musharraf's Presidency. The PML (Q) accepted the legitimacy of the electoral results and conceded defeat.

Post-poll Machinations

Pakistan's new government faced numerous daunting challenges in the post-poll phase: the fragility of the government mandate; continued questions about the relationship between the civilian governing authorities and the military and intelligence establishment; debates over addressing the imbalances of power that exist between the legislative,⁴⁷ judicial and executive branches of government; and looming public policy challenges such as law and order, rule of law, economic development, and a growing crisis in food and energy inflation.⁴⁸ Unfortunately the new government failed to fulfil its promises and the inflexibility of the government had led to chaos.

With insights gained into the 2008 elections, it is not exaggeration to suggest that they were rigged at various stages and points, and motivation was the same as in the previous elections.

46 Khalid Qayum. "[Pakistan's Army Chief Kayani Pledges to Stay Out of Politics](http://www.bloomberglp.com/17751/general-kayani-usas-new-poster-boy-in-pakistan/)" *Bloomberg L.P.*, 6 March 2008. [^] <http://themoderatevoice.com/17751/general-kayani-usas-new-poster-boy-in-pakistan/>.

47 Vantage Point, 'And Now the Hard Bargaining', *The Herald*, March 2008, pp. 22-23.

48 Tasneem Noorani, 'Respect the People's Will', *The News*, 5 March 2008. Talat Hussain, 'The Do-Nothing Party', *Newsline*, June 2008, p. 47. Zahid Hussain, 'Cover Story', *Newsline*, September 2008, p. 27.

The vigorous pursuit of power by General Musharraf and his political cronies largely accounted for these unlawful practices, followed by extra-constitutional steps that he took to overcome the constitutional bar to his own election in uniform and to pre-empt a likely intervention from the superior judiciary. Right from the announcement of the date and schedule of elections to their conclusion, the regime had been making studied moves to manipulate them. The aim was to ensure not only political survival and sustenance of Musharraf but also of his carefully crafted system. The praetorian regime cared the least about democratic norms and attached no importance to elections as the necessary adjunct of democracy except to their regime-legitimizing properties.

The table 4 shows the nature of the government during different phases of the electoral process, level of malpractices and the manipulators during the 2008 elections.

Table No. 4: Nature of Government, Phases of Electoral Process, Levels of malpractices and Manipulators During the General Elections 2008.

| Nature of government | Phases of electoral malpractices | Levels of malpractices | Manipulators |
|------------------------------------|----------------------------------|------------------------|---|
| Non- competitive authoritarianism | System rigging | Massive | Military, foreign community and bureaucrats |
| Semi- competitive authoritarianism | Pre-poll malpractices | Massive | Military, bureaucrats and politicians |
| Competitive authoritarianism | polling-day irregularities | Selective | Politicians and bureaucrats |
| Semi-competitive authoritarianism | Post-poll machinations | Massive | Army, politicians and foreign community |

According to the above table the nature of regime was constantly changing during the whole electoral process. The system rigging was resorted to because the government was non-competitive. The President had all the powers and influenced the whole process of the elections. He took every possible step including suspension of the constitution, emergency rule, curbs on the media and judiciary, and a docile Election Commission to win a victory. His co-accomplices were from the military, civil bureaucracy, politicians and foreign friends and sympathizers. In the last category included Americans and British and their allies who wanted victory of pro-Musharraf forces for the uninterrupted continuance of their so-called costly war on terror under a new dispensation, with a popular face.

As for the pre-poll phase, the malpractices were at their highest level. As Musharraf and his allies had free ride in most constituencies, we can say the type of government was semi-competitive authoritarian. The key manipulators were bureaucracy and politicians.

When we analyze the polling-day scenario, a more schematic, selective and targeted rigging was commonplace. Most of the candidates of PML (Q) and MQM indulged in the hideous practice with the help of bureaucracy. Nazims, police and other government officials helped rig the elections. As a result, not a single party could win the parliamentary majority and a hung parliament and future alliance government was a forgone conclusion. The nature of government was competitive authoritarian as the military and intelligence agencies were not involved in rigging.

A dispassionate analysis of the post-poll phase would suggest that it was also not free from machinations. Musharraf's game plan was not over yet. He tried to influence the new parliament through the combined weight of army, bureaucracy and foreign 'friends'. Delay in the formation of new government was a significant pointer to behind-the-scene manoeuvrings by Musharraf to ensure a friendly dispensation. The nature of government was semi-competitive authoritarian. The new parliament representing popular forces was conscious of its role and not so amenable to the beleaguered soldier-president's political whims. The boulder of democracy had finally begun to move once again. In that the

opposition and increasingly independent electronic media played their part well.

Despite a seriously flawed and difficult pre-election environment, the February 18, 2008 General Elections in Pakistan provided a genuine opportunity for Pakistani voters to vote freely. A relatively peaceful election day and the defeat of the King's Party defied widespread fears of violence and fears of systematic manipulation of vote. To date, there appears to be a broad acceptance of the results. Overall, this election represented a big step forward on the democratic path. However, the serious assault on Pakistan's constitutional order and fundamental flaws in the pre-election environment prevented the election from meeting international standards, forging the need for a remedial action.