

## All downstream democracy

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As mainstream political parties up the ante on the ouster of Prime Minister Imran Khan in what has been nothing short of a turbulent month of ‘politics’ in Pakistan, it is worth taking a closer look at what has been missing from the popular discourse — besides, of course, Mian Nawaz Sharif and his daughter. Do we have the faintest idea of what democracy means? A comprehensive Knowledge Brief by the Pakistan Institute of Development Economics titled, ‘Electoral Politics in Pakistan: Law, Parties, and the Need for Innovation,’ suggests not.

In 2020, Pakistan was ranked 123rd out of 176 countries ranked by the University of Würzburg’s annual global rankings for the quality of democracy — below Nepal (73rd), India (85th), Sri Lanka (93rd), and Nigeria (100th). Citizens do not trust in the system, as indicated by voter turnout rates — which actually dropped from 52.62% in 2013 to 51.99% in 2018. Besides the decline, a 1 in 2 turnout in itself suggests a dismal level of faith in the system to generate any substantive change — prompting people to simply opt out of participation instead.

The legal structure around which electoral cycles take place is also illformulated. At a fundamental level, the law seems to treat the process for political contestation as one homogenous event rather than a series of procedural steps — leaving excessive space for meddling at the micro level. In order to address this, detailed provisions for 11 unique areas must necessarily be ensured: administration, election system, rights of candidates, right to vote, voting procedures, boundary delimitation, transparency requirements, campaign regulations, counting and compilation of results, women’s participation, and participation of people with disabilities. As things stand, these are either absent or underdeveloped in Pakistan’s legal system.

The Free and Fair Elections Network (FAFEN) has offered a critique of the Elections Act of 2017, identifying precisely how laws are left ambiguous. For instance: Article 41, on secrecy of vote, is compromised by granting election staff the authority to obtain voters’ data and photographs. Section 54, on Returning Officers, is silent on the requirement for supervisors — giving ROs a semi-autonomous role. Section 137, on financial transactions, fails to outline disqualification procedures for candidates that fail to meet requirements. Countless such examples of legal loopholes may be found.

All this is not to imply that merely ‘straightening out’ the legal system will ensure higher levels of democracy. Pakistan ranked 120th out of 128 countries by the World Justice Project’s annual Rule of Law Index in 2020, suggesting abysmal execution of laws already in place. In the context of the 2018 general election, this was evident in several ways. For example, 27.2% of polling stations did not have guiding signs displayed outside. Presiding officers failed to call out the name of every voter loudly in 38% of polling stations. Forms 45 were not provided to candidates/agents present in 11% of polling stations, and results were not displayed outside 18.8% of them. All these represent just a few examples of requirements stipulated by law, which failed to be met.

In its current formulation, the law allows for ‘anybody of individuals or association of citizens’ to contest in elections. This leads to the eventual inevitability for successful parties to form coalition governments and dilute their ideological positions to accommodate new friends, naturally leading to indecision and deadlocks. This can be addressed by requiring parties to demonstrate a certain minimum support base, for instance, through signatures or minimum donations from alleged supporters in each district of the provinces the assemblies of which they are competing for — in order to enhance competition. Besides these, intra-party elections are currently not guaranteed. Financial flows are not adequately monitored. Devolution of powers exists only on paper. Cabinet sizes are excessively large i.e. a maximum of 11% of parliament — amounting to almost 50 ministerial positions.

Knowledge, they say, is like jazz — much more than the notes played, it is those that aren’t that define the composition. Little to no discussion is currently taking place on any of the aforementioned concerns. Without radical reforms to the democratic process, our system will produce little beyond intra-elite theatrics.