



General Election 2018

**Score Card on
Perception of Pre-Poll Fairness**

May 2018



PILDAT is an independent, non-partisan and not-for-profit indigenous research and training institution with the mission to strengthen democracy and democratic institutions in Pakistan.

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Islamabad Office: P. O. Box 278, F-8, Postal Code: 44220, Islamabad, Pakistan
Lahore Office: P. O. Box 11098, LCCHS, Postal Code: 54792, Lahore, Pakistan
E-mail: info@pildat.org | Website: www.pildat.org

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Executive Summary

PILDAT, has termed the perception of the pre-electoral process leading up to General Election 2018 to be **Unfair**. This conclusion was reached after carrying out a pre-election assessment using an 11-point Pre-poll Fairness Framework.

In the Pre-Election Assessment Report with a Score Card on Pre-Poll Fairness Perception, PILDAT has carried out a systematic review of the developments relating to the electoral process during the Pre-poll phase spanning over a period of around 12 months starting from April 2017 up to March 31, 2018.

Table 1: Scale of Fairness

Highly Unfair	Unfair	Fair	Good
01-40	41-60	61-80	81-100

Judging the perception of overall fairness of the pre-poll environment spanning over 12 months, PILDAT has given it a score of **51.5** on a scale of **100**. This, according to the scale shown above, indicates that the pre-poll election phase has been unfair so far and, if the direction of the developments remains unchanged, the prospects of the entire electoral exercise to carry a degree of credibility are not very bright. The assessment was guided by a careful review of over 70 relevant key developments over the past one year and by scores assigned by members of PILDAT Dialogue Group on Civil-Military Relations (DGCMR)¹ using a framework devised for this purpose.

“Despite good preparatory work done by the Election Commission of Pakistan, a careful assessment of the period of the Pre-poll election process up to the end of March 2018 leads to the conclusion that the process has been

¹ PILDAT Dialogue Group on Civil-Military Relations consists of eminent Pakistanis including high-ranking former Military officials, and civilian leaders from various walks of life including politics, civil service, law and media, etc. The Group, facilitated by PILDAT since 2004, has been carrying out and promoting the civil and the military to understand each other's perspectives and to address the contentious issues that cause strains in civil-military relations and hinder consensus-building, democratization, stability and security in Pakistan. The Group, through dialogue, research and analyses, also helps lead media understanding and enlarge fact-based public discourse on civil-military relations in Pakistan. The Group, facilitated by PILDAT, regularly meets to Review issues affecting the Civil-Military Relations in Pakistan; Formulate well-considered opinion and policy options on the issues; Communicate this opinion to the concerned institutions and individuals; Where needed, write and evaluate policy papers, case studies and policy briefs on issues under discussion; Facilitate political and Parliamentary understanding on the issues in the realm of civil-military relations and Lobby for policy change, wherever required. Group Members work in an honorary capacity.

unfair, largely because of the factors lying outside the purview of the Election Commission. The prospects for the fairness of remaining phases of the electoral process also appear to be slim for the same reasons, unless the stakeholders involved refrain from skewing the level playing field” the pre-poll fairness assessment report concludes.

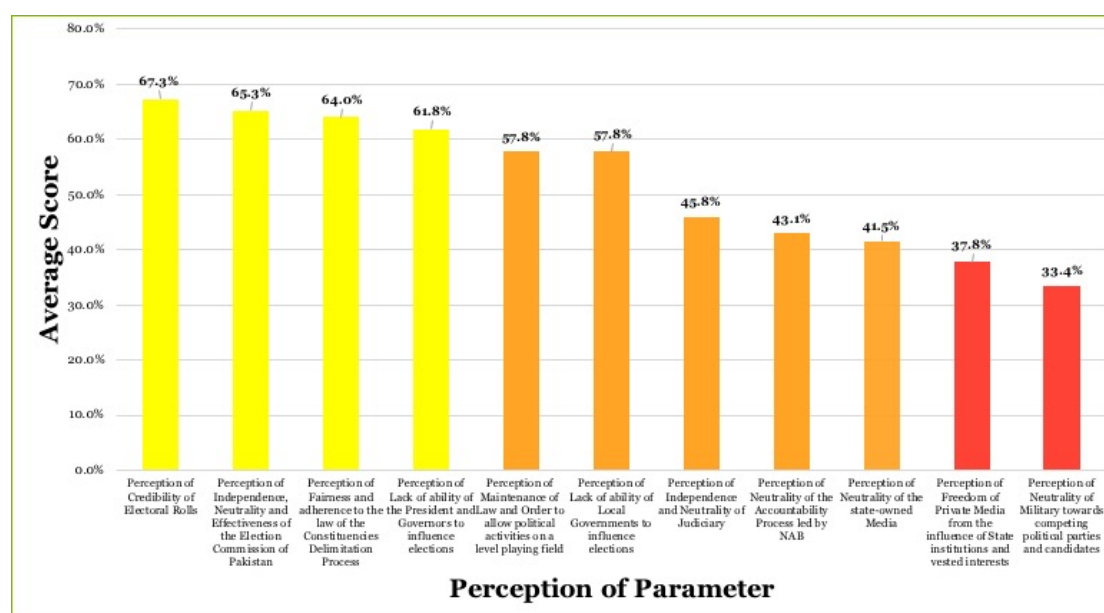
In order to conduct an independent assessment of the pre-poll environment, PILDAT has considered eleven parameters in the Pre-poll fairness framework. These parameters include ***Perception of Independence and Neutrality of Judiciary; Perception of Neutrality of Military towards competing political parties and candidates*** and ***Perception of Independence, Neutrality and Effectiveness of the Election Commission of Pakistan*** as the three most important parameters to judge the fairness of the pre-poll election process. The next crucial ingredients have been the ***Perception of Neutrality of the Accountability Process led by NAB*** followed by ***Perception of Freedom of Private Media from the influence of State institutions and vested interests*** and ***Perception of Credibility of Electoral Rolls***, in the order of importance in terms of their influence in the pre-poll process. These parameters are followed by ***Perception of Maintenance of Law and Order to allow political activities on a level playing field; Perception of Fairness and adherence to the laws and rules relating to the electoral constituencies delimitation process; Perception of Lack of ability of Local Governments to influence elections; Perception of Lack of ability of the President and Governors to influence elections*** and ***Perception of Neutrality of the state-owned Media*** to cover the entire spectrum of a level-playing field available for parties and candidates contesting the 2018 General Election.

The report is based on PILDAT’s own assessment, informed by the scores assigned by its Dialogue Group on Civil Military Relations, and based on a thorough review of the relevant key developments in the past year, catalogued in the report. It quantifies perceived levels of fairness of the pre-poll environment in the form of a Score Card, and in that portrays our expert opinion.

The 2 parameters that have fallen in the ***Highly Unfair*** scale based on the score received are ***Perception of Neutrality of Military towards competing political parties and candidates*** receiving the lowest score of **33.4%**, followed by the parameter of ***Perception of Freedom of Private Media from the influence of State institutions and vested interests*** receiving a score of **37.8%**.

The **Unfair** scale includes **Perception of Neutrality of the state-owned Media**, which has received the score of **41.5%**, followed by **Perception of Neutrality of the Accountability Process led by NAB** which has received the low score of **43.1%**. **Perception of Independence and Neutrality of Judiciary** also falls in the scale of **Unfair** with score of **45.8%**.

Figure 1: Score Card on Perception of Pre-Poll Fairness



The parameters that have received the highest scores in terms of providing the required level playing field to all for a free and fair election relate to the election management body – the Election Commission of Pakistan (ECP) - charged with the Constitutional responsibility of holding Elections. **Perception of Credibility of Electoral Rolls**, has received the highest score of **67.3%**. **Perception of Independence, Neutrality and Effectiveness of the Election Commission of Pakistan** has received a score of **65.3%**, the second highest ranking parameter. Another related indicator in the parameter of **Perception of Fairness and adherence to the laws and rules relating to the electoral constituencies delimitation process** has also received a high score of **64.0%** with the overall highest 3rd ranking score amongst 11 parameters. It must be noted these are the only 3 parameters out of 11 whose scores fall in the **Fair** scale. No parameter has received the score on the **Good** (81-100) scale.

Parameter of **Perception of Lack of ability of the President and Governors to influence elections** has received the next highest score of

61.8% while ***Perception of Lack of ability of Local Governments to influence elections*** has received a score of **57.8%**. The parameter of the ***Perception of Maintenance of Law and Order to allow political activities on a level playing field*** has also received a score of **57.8%** that indicates that compared to the pre-electoral environment leading to 2013 General Election where parties were unable to hold public rallies, the scenario has been relatively stable leading up to General Election 2018. The moderate (Fair) score, however, also depicts that some political players such as Tehreek Labbaik Pakistan (TLP) are allowed a free hand to hold law and order hostage with impunity which seems to threaten some other political parties.

With a little time left towards completion of the term of the 14th (current) National Assembly of Pakistan after which the country undergoes the essential exercise of electing public representatives in Pakistan's 11th General Election in 2018, the pre-poll fairness assessment by PILDAT paints a picture of deep concern on prospects of free and fair election.

The pre-poll fairness assessment puts in perspective the irony that while in terms of electoral preparedness, Pakistan is better placed than at any other time to hold free and fair election, a prevalent environment of surreptitious muzzling of the news media, an enlarging footprint of perceived non-neutral military establishment and a perceived partisanship in the process of judicial and political accountability have nearly eroded the prospects of a free and fair election in 2018.

Prospects for Remaining Phases of the Electoral Process

PILDAT strongly feels that the future of democracy and long-term stability in Pakistan is linked to a free and fair election. Not only the coming election is a great test for the country, the post-election challenges will also put the leadership to extreme tests. Only a leadership with a clear mandate by the people of Pakistan can have the strength to deal with such apparently-insurmountable problems. If the coming election turns out to be anything but completely free and fair, the challenges facing the country will compound and democracy, along with the future of the State, may face grave threats.

Based on the assessment of perception of fairness of the pre-electoral process, PILDAT believes that if the current trend of the perception of unfairness continues, the prospects for the fairness of remaining phases of the electoral process will also be jeopardized. Pakistan is better prepared than at any other time in its history to hold free and fair election in terms of the constitutional, legal and administrative capacities of the Election Commission. While an unfair pre-election process will have implications on the fairness of the electoral process, the coming General Election can still be held in a free and fair manner if the stakeholders influencing the level playing field realize the

possible catastrophic outcome of a tempered election and step back from the brink.

Score Card on Pre-Poll Fairness 2018

14th (current) National Assembly of Pakistan is due to complete its Constitutional term after which the country undergoes the essential exercise of electing public representatives in Pakistan's 11th General Election in 2018.

Some developments during 2017-2018 have given rise to concerns about the fairness of the coming General Election. These concerns especially relate to the general perception of at least a section of the Courts being not strictly neutral towards the ruling PML-N as manifested in several strong remarks and observations about the performance of the government prominently carried by the print and electronic media with the strong potential to influence public opinion about the political party in question. Although questions have been raised and observations have been made about other parties (PPP and PTI) running Provincial Governments in Sindh and KP, the trend especially during the past one year clearly indicated an extraordinary focus on PML-N and its Governments at the centre and in Punjab. In addition, an apparently partisan system of accountability further reinforces this perception.

Under these circumstances, PILDAT, guided by a careful review of the election-related developments over the past one year and by the scores assigned by the members of PILDAT Dialogue Group on Civil-Military Relations (DGCMR), provides an objective and fact-based assessment on the perception of pre-poll fairness in Pakistan.

Ahead of the 2008 General Election in Pakistan, PILDAT, based on the assessment of the Dialogue Group members, had compiled and published a Score Card on Pre-Poll Fairness. A similar Score Card was prepared for 2013 election in the shape of *Assessment of the Quality of General Election 2013*, after the election.² We believe a similar exercise is needed at this stage to evaluate and summarize the state of pre-poll fairness perception ahead of 2018 General Election.

At the heart of the assessment is an 11-point framework of assessment of the pre-poll fairness. This framework is presented in Table 2 along with the score and the degree of fairness for each parameter of the framework.

Classification of Rigging

Rigging is defined as all activities that violate the laws of Pakistan and constitutional provisions in the holding of elections to determine the will of

² For details, please see PILDAT Analysis contained in the [Assessment of the Quality of General Election 2013](#)

the people to form a government of their choice. Keeping in view the electoral history of Pakistan, rigging is classified to occur in 3 phases:

1. Pre-poll rigging
2. Polling day rigging
3. Post-poll rigging

All the above kinds of rigging have taken place in Pakistan in the past though all may not be present in each election.

However, it must be noted that experience of previous elections in Pakistan shows that pre-poll rigging has been witnessed to make the most decisive and damaging impact on fairness of elections.³

In spite of the hype associated with polling-day rigging, election-day rigging seems to be the least likely mode of rigging among the available options at present. Given the high risk of exposure of such an attempt due to the presence of a diverse electronic media, the likelihood of resorting to this mode of rigging is rather low.

Post-poll rigging was attempted in 1970 election in a big way by denying and intimidating the largest party in the elected National Assembly. More recently post-poll rigging was witnessed after the 2002 General Election and has also shown to cause massive tempering with the electoral process, causing total turn down of the electoral outcome through systematic use of rewards, punishments and intimidation by the State apparatus under the leadership of Gen. Pervez Musharraf who used both civilian as well as military resources and partisan accountability witch-hunt through NAB to achieve these aims as the country witnessed a section of the elected leadership of the PPP lured and intimidated to form a splinter group of PPP Patriots. Since the Constitution prohibited this type of floor crossing, the pre-poll rigging was undertaken through suspension of the relevant clause using weeks after the 2002 election to achieve this while the Assembly remained idle, restoring the relevant clause of the Constitution once the objectives were achieved of piecing together a parliamentary majority. There is a strong suspicion among a section of the population that the Senate Election held in March 2018 also witnessed post-poll rigging as the mandate of the party with most seats was trampled through a variety of means.

³ For details, please see PILDAT Paper: A Dispassionate Analysis of **HOW ELECTIONS ARE STOLEN AND WILL OF THE PEOPLE IS DEFEATED**: Reflection on the Electoral History of Pakistan (1970- 2008); January 2008. <https://pildat.org/electoral-reforms1/a-dispassionate-analysis-of-how-elections-are-stolen-will-of-the-people-is-defeated>

Thus, rigging encompasses all activities that are in violation of the Constitution or are unlawful, either in letter or spirit, according to Pakistani laws governing the electoral process. These include unlawful means to benefit or hurt any contestant during their election and pre-election campaign (*pre-poll*), during the casting of votes (*polling day*) and in the formation of a representative government (*post poll*).

The parameters to analyse the state of pre-poll fairness include key issues that may affect the success of the election and/or the performance of the electoral processes and institutions.

Parameters of Pre-Poll Rigging

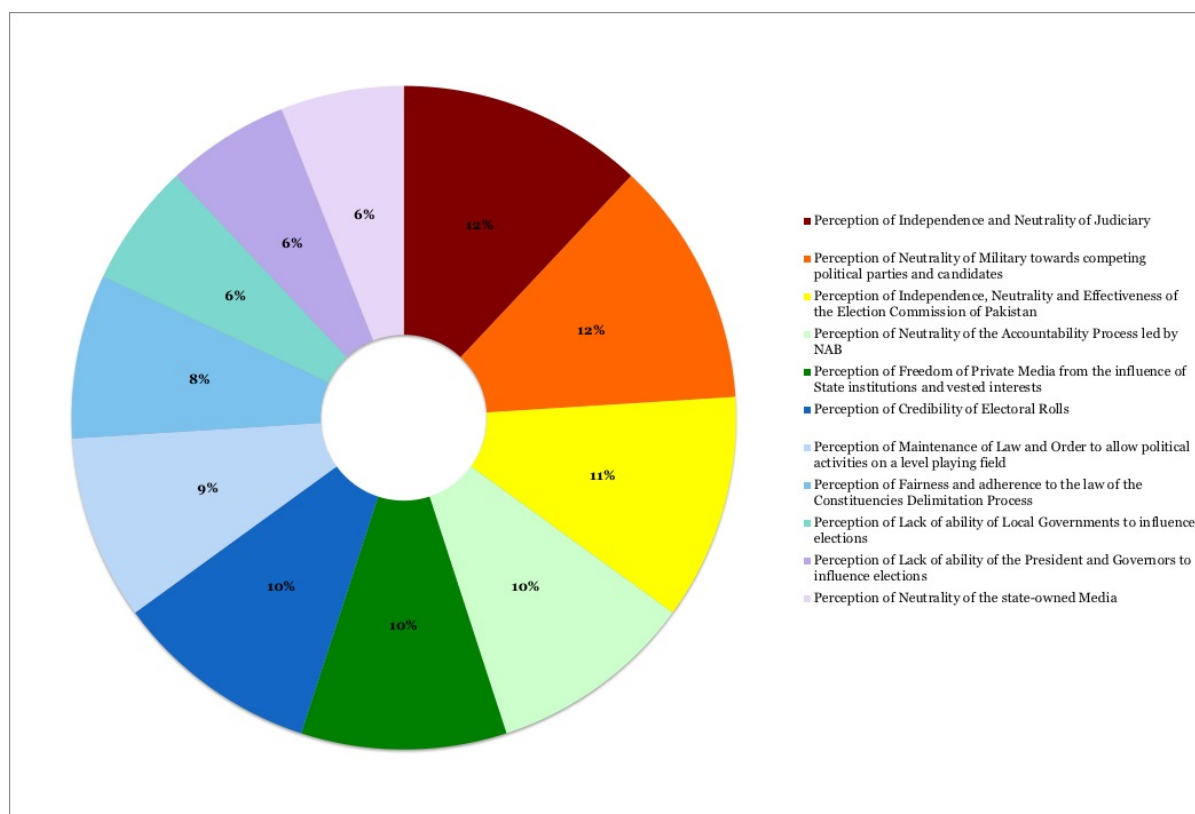
As pre-poll rigging refers to a deliberate attempt to selectively tilt the rules of ***level playing field*** in favour of or against any contestant. The following parameters cover the assessment of pre-poll fairness ahead of 2018 General Election.

Table 2: Score Card on Perception of Pre-Poll Fairness 2018

No.	Parameter	Score	Scale of Perceived Fairness
1.	Perception of Independence and Neutrality of Judiciary	45.8%	<i>Unfair</i>
2.	Perception of Neutrality of Military towards competing political parties and candidates	33.4%	<i>Highly Unfair</i>
3.	Perception of Independence, Neutrality and Effectiveness of the Election Commission of Pakistan	65.3%	<i>Fair</i>
4.	Perception of Neutrality of the Accountability Process led by NAB	43.1%	<i>Unfair</i>
5.	Perception of Freedom of Private Media from the influence of State institutions and vested interests	37.8%	<i>Highly Unfair</i>
6.	Perception of Credibility of Electoral Rolls	67.3%	<i>Fair</i>
7.	Perception of Maintenance of Law and Order to allow	57.8%	<i>Unfair</i>

	political activities on a level playing field		
8.	Perception of Fairness and adherence to the laws and rules relating to the electoral constituencies delimitation process	64.0%	<i>Fair</i>
9.	Perception of Lack of ability of Local Governments to influence elections	57.8%	<i>Unfair</i>
10.	Perception of Lack of ability of the President and Governors to influence elections	61.8%	<i>Fair</i>
11.	Perception of Neutrality of the state-owned Media	41.5%	<i>Unfair</i>
	Overall Score On Perception of Pre-Poll Fairness	51.5%	<i>Unfair</i>

Figure 2: Relevance/Weightage of Parameters on Pre-Poll Fairness



Overview of Developments

April 2017 – March 2018

Below is an overview of developments during April 2017 to March 2018 on each parameter that has a bearing on pre-poll fairness.

Parameter 1: Perception of Independence and Neutrality of Judiciary: 45.8%

Table 3: Developments relating to the perception of Independence and Neutrality of the Judiciary during the pre-election phase

While holding the Superior Judiciary and its Honourable Judges in the highest respect and acknowledging that their continuing efforts are critical for ensuring the fundamental rights of the citizens, we are constrained to record that some of the judgments, and remarks made during the hearings, have adversely affected the public perception in regard to the neutrality of the Judiciary. A sampling follows:

No.	Month	Development
1.	April – July 2017	The opening of the Panama case judgment against Mr. Nawaz Sharif with the quote from the novel “Godfather” by Mario Puzo about a Mafia Don that “Behind every great fortune there is a crime, Balzac” had the effect of making this judgment controversial in the popular perception from its inception. ⁴ This perception was compounded by the alleged WhatsApp call of the Supreme Court’s Registrar asking for the inclusion of specific SBP and SECP officers, and the inclusion of two intelligence officers of the Army, in the JIT formed to investigate the Panama-related allegations. The unfortunate use of remarks such as “Mafia”, “throw them out of the window”, “trash them in the dust bin”, “chacha mamas”, “paper good only for selling pakoras”, etc. further aggravated negative perception in a substantial section of public opinion. The oft repeated statements of some political party leaders that they stood by the Supreme Court and would take to the streets if need be further fortified the opposing view that the process was partisan. The disqualification of Mr. Nawaz Sharif on the ground that he had not declared the salary taken from his eldest son, and

⁴ [13 damning remarks made by Justice Khosa on Panamagate](#). Dawn, April 21, 2017

		<p>not on the basis of any corrupt practice for which the trial is still on-going under the supervision of a Supreme Court Judge, does not appear to have convinced a very large part of public opinion, perhaps a majority, that an elected Prime Minister was rightly banned from elective politics for the rest of his life on such a charge. Prominent lawyers, amongst others, expressed these views along with questioning the use of a jurisdiction which did not allow a right of appeal against the adverse verdict.</p>
2.	June 2017	<p>During the opening of a case against PML-N Senator Nehal Hashmi regarding his <u>outburst against the judiciary</u>, the Supreme Court bench hearing the case referred to Attorney General Ashtar Ausaf to represent the Sicilian Mafia. “Congratulations Mr. Attorney General: it seems that your government has joined the Sicilian Mafia,” Justice Sheikh Azmat quipped as he addressed the AG. “We have faced military dictatorships, but even they did not dare threaten our children,” Justice Afzal said to the AG. “Our children are being threatened under your government,” he observed.</p> <p>The Government expressed “deep regret” over the remarks and said that the remarks by SC were “against the code of conduct” of the apex court and the “comments made by the judge damaged Pakistan's reputation and integrity on an international forum.”</p>
3.	December 2017	<p>The Supreme Court disqualified Mr. Jehangir Tarin but not Mr. Imran Khan on charges similar to those which led to the disqualification of Mr. Nawaz Sharif. A considerable section of public opinion holds the view that Mr. Imran Khan should have faced the same punishment as meted out to Mr. Nawaz Sharif.</p>
4.	December 2017	<p>Media highlighted a remark made by the CJP in proceedings relating to encroachment of land of the Ladies Club in Karachi “<i>I have a feeling that there is no discipline in Sindh</i>” and also remarks that Sindh Government was most negligent with regard to supply of unsafe drinking water in Karachi.</p>
5.	December 2017	<p>CJP Saqib Nisar lashed out at the Sindh Government for its negligence over the supply of unsafe drinking water across the province, demanding to know where the</p>

		<p>authorities had spent their funds. He was hearing a petition in the Supreme Court Karachi registry.</p>
6.	January 2018	<p>CJP Nisar warned Punjab Government of shutting all mega projects in case the state of public hospitals and educational institutions doesn't improve in Punjab. "There will be no compromise on education and health," he said. A two-member bench headed by the CJP and comprising Justice Ijazul Ahsan, heard the <i>suo motu</i> notice on the state of public hospitals in Punjab. CJP Nisar informed the Provincial Chief Secretary that in Services Hospital of Lahore, the <i>instrument used to place stitches was not found present. "Providing healthcare is our responsibility,"</i> CJP stated, directing authorities to submit a report on the presence of life-saving medicines in hospitals. The purpose of taking notice is not to take action but improve the situation, the bench observed. The CJP issued a warning against the Provincial Government stating that <i>"We will close down all projects, including Orange Line Metro Train, if health and education sectors are not improved."</i> The court also summoned affidavits of medical superintendents of all public hospitals and also directed the government-run hospitals to submit their audit reports. During the hearing, the chief justice also remarked that <i>"instead of seeking publicity on TV, the Punjab Government should improve the situation in hospitals."</i> The court also warned of closing down all private clinics that the Punjab Government doctors operate after office hours if the situation does not improve. CJP also observed that the Punjab Government is spending millions of rupees on its publicity. The bench then summoned in 10 days details of the funds the Provincial Government of Punjab had spent on advertising campaigns. The court also ordered the Punjab Government to submit in 15 days a policy on improving the conditions of state hospitals. <i>(This may be underlined that Orange Metro Train project is Punjab Govt.'s flag-ship project and it is the oft-stated position of PTI that Punjab Govt is developing Orange Train at the expense of education and health in the province which PML-N vehemently denies)</i></p>

7.	January 2018	<p>CJP Nisar said that <i>Khyber-Pakhtunkhwa (KP) police has completely failed to perform in the case of rape and murder of minor girl Asma in Mardan.</i> The bench wondered why the KP government has no forensics lab of its own to test DNA. <i>“You have no capacity to investigate the matter, therefore, you are dependent on Punjab government,”</i> the CJP said. <i>“This is the total failure of KP,”</i> he added.</p>
8.	February 2018	<p>A verdict by a three-judge Supreme Court (SC) bench headed by CJP Nisar said that an individual disqualified under Articles 62 and 63 of the Constitution cannot serve as head of a political party. The Court ordered the Election Commission of Pakistan (ECP) to remove Nawaz Sharif as president of the PML-N. It further ruled that <i>“all steps taken, orders passed, directions given and documents issued” by Sharif since his disqualification last year will be deemed to have been nullified.</i></p> <p>Following the SC verdict the <i>ECP ruled that the nominees fielded by the Pakistan Muslim League-Nawaz (PML-N) could only take part in the Senate polls as independent candidates.</i> The Election Commission said the Senate election as well as the by-elections in PP-30, Sargodha-III, and PS-7, Ghotki-III, would be conducted as per schedule though the PML-N candidate contesting the upcoming PP-30 Sargodha by-poll was also declared as independent.</p> <p>In regard to the Supreme Court verdict disqualifying Mr. Nawaz Sharif as Party Head, perception of a substantial section of public opinion was expressed by Journalist Talat Hussain (@TalatHussain12) when he tweeted that <i>“#SilentCoup</i> continues to unfold. The verdict to disqualify Nawaz as party head, thus disqualifying his candidates from contesting Senate polls, is announced today but it was known to everyone. It was Pakistan’s worst kept secret.”</p>
9.	February 2018	<p>CJP Nisar rejected the deposed premier Nawaz Sharif’s claim that the judiciary has paralysed the government saying that <i>“The government says that judiciary has paralysed it. The Government has no idea how paralysed we have been due to the government.”</i></p>

10.	March 2018	CJP Justice Nisar said the Government of Punjab did nothing in ten years . He said this while hearing a suo motu case into the drainage of polluted water into rivers and canals, at Supreme Court’s Lahore Registry. Taking notice of pictures of Punjab Chief Minister Shahbaz Sharif on government advertisements, the CJP called upon the Punjab Government to publish ads regarding its failures also. Chief Justice advised Shahbaz Sharif to put his photographs on railway coaches as well
11.	March 2018	CJP Nisar has said that the apex court would not permit usage of public money to be spent on political campaigns. He directed authorities to halt advertisements carrying photographs of Imran Khan and Pervez Khattak on newspapers. Likewise, he also directed Sindh govt not to publish pictures of Bilawal Bhutto, Asif Ali Zardari and Benazir Bhutto on newspapers in Sindh from public money. He said that “We do not have any concern with the advertisement but public money should not be spent on self-promotion.”
12.	March 2018	<i>The Supreme Court (SC) ordered Punjab Chief Minister Shahbaz Sharif to reimburse the national exchequer Rs.5.5 million after a Punjab Government newspaper advertisement carrying his photograph was displayed in court during hearing of a suo motu case on hefty ad expenditure by Provincial Governments.</i> A three-judge SC bench headed by Chief Justice (CJP) Mian Saqib Nisar, which was hearing the case at the Lahore registry, took exception to the extravagant sums of money doled out on advertisements by the Punjab government annually. In a previous hearing of the case, the CJP had observed that taxpayers' money was being used for self-promotion and big ads were awarded at the nation's expense. He said that there is no water in state-run schools, no medicine available in public hospitals, and yet provincial governments spend taxpayers' money on massive advertisements, adding that Provincial Governments would have to promote their work at their own expense. The CJP also wondered whether such expenditures are equal to pre-poll rigging. The CJP was critical of the money spent on the ad and asked whether the country was someone's kingdom.

13.	March 2018	<p>CJP Nisar ordered for the entire city of Karachi to be cleaned up within one week during the hearing the report of the Water Commission at the Karachi Registry. He questioned whose job was it to keep the city clean and why the courts are doing Karachi Mayor’s job?</p>
14.	April 2018	<p>A five-judge SC bench headed by the Chief Justice ruled that disqualification handed down under Article 62 (1)(f) of the Constitution is for life. This resulted in life disqualification of former prime minister Nawaz Sharif and PTI leader Jehangir Tareen.</p>
15.	April 2018	<p>CJP directed the Government of Punjab to provide the required record of the 56 companies alleged of corruption to National Accountability Bureau (NAB). A two-member Bench headed by CJP Nisar heard a <i>suo motu</i> case pertaining to the alleged corruption worth Rs. 80 billion in the 56 government-owned companies of Punjab.</p> <p>“This is not NAB where you do not present record, it is Supreme Court so you better come up with the record at any cost,” CJP remarked. “Elections are approaching and who will be answerable if the Government is gone,” he added. “How many officers were appointed with these companies and what are their salaries?” CJP asked the Punjab Chief Secretary.</p> <p>While hearing another case on the poor conditions of hospitals in Punjab, the Court directed the Provincial health department to submit an implementation report regarding the provision of clean drinking water in hospitals within one month. SC also ordered Punjab Healthcare Commission (PHC) to seal illegal clinics of quacks across Punjab.</p>
16.	April 2018	<p>While hearing the case at the Supreme Court’s Quetta Registry alongside Justice Sajjad Ali Shah and Justice Mansoor Ali, CJP Nisar criticized the Balochistan Government and remarked that: “I used to think the situation is Sindh is dire but there is nothing here.”</p>
17.	April 2018	<p>CJP directed the Federal Government to seek the apex court’s approval before proceeding with the privatisation of the PIA. During the hearing, the CJP first ordered authorities to place the names of all former managing directors (MDs) of the PIA on the Exit Control</p>

		<p>List (ECL). However, he later withdrew the order but bound the former officials to get the court’s permission before leaving the country. He said that “those who have ruined this national asset are ‘oppressors, enemies and traitors.’” He said that he may constitute a judicial commission to calculate and redress the losses incurred upon the airline.</p>
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While the Apex Court has commented on the performance of all the Governments the perception is that most of the negativity is with reference to the Punjab Province. The recent release of the UNDP Report which gives Punjab the highest ranking in all the Human Development Indicators followed by Sindh, KP and Balochistan in that order has perhaps balanced the over-all picture.

Parameter 2: Perception of Neutrality of Military towards competing political parties and candidates: 33.4%

Given the expanded overt and covert role of military in Pakistan’s politics, it is important that Military remains strictly neutral towards competing political parties and candidates ahead of an election. Developments during the year, however, depict otherwise especially the growing volume of reports that Intelligence Services of the Armed Forces are exerting pressure on PML-N Parliamentarians and their supporters to switch their loyalties.

Table 4: Developments relating to the Perception of Neutrality of the Military in pre-election phase

No.	Month	Development
1.	April 2017	<p>The 6-member ‘Joint Investigation Team-JIT’ which submitted a report to the Supreme Court based on which the Court gave its decision disqualifying Mr. Nawaz Sharif included two serving military officers from Inter-Services Intelligence (ISI) and Military Intelligence (MI). Legitimate questions were raised not only whether military institutions such as the ISI and the MI had required expertise to investigate white collar crime but also whether its officers should have participated in an inquiry against a most prominent politician thus compromising the neutrality of the Army. Prominent lawyers who argued that suo motu notice against Mr. Sharif by the Supreme Court not only resulted in the loss of the right of appeal which was a fundamental right and</p>

		also criticized the inclusion of ISI and MI officials in the JIT.
2.	July 2017	<p>The verdict by Pakistan’s Supreme Court that disqualified Mr. Nawaz Sharif for being ‘not honest’ under Article 62(1)(f) of the Constitution, was seen by a large number of analysts inside and outside Pakistan as being orchestrated by the Army in what appeared to be a Get-Nawaz agenda. <i>International media considered the disqualification to be an outcome of sour civil-military relations and questioned future of democracy in Pakistan.</i> National media offered analyses that said “<i>elected governments in Pakistan have less to fear from the Indian army than from their own;</i>” and that “[Pakistan’s] security establishment regularly betrays contempt for civilians. There is a view that elected governments are regarded as unwanted pregnancies, to be aborted whenever need be, to save the motherland. The latest still-birth is the ouster of a third-time prime minister Nawaz Sharif.”⁵ The criticism of the disqualification was even more scathing in international media which said that “<i>the judicial farce that resulted in Sharif’s most recent ouster demonstrates that the courts remain tools for the generals to clip democracy’s wings.</i>”⁶</p>
3.	September 2017	<p>PML-N leader, former Premier Mr. Nawaz Sharif, and his daughter, Maryam Nawaz, alleged that their <i>workers in NA-120 Lahore election were lifted from homes two days before the polling day. Ms. Nawaz, in her speeches, also mentioned about the anonymous threat calls to PML-N workers in NA-120.</i> She said that her party voters at the polling stations were misguided or stopped from casting votes and the chits in their hand were torn apart if they were found casting vote for ‘Lion.’ These charges were repeated by Railway Minister Khawaja Saad Rafiq, MNA. The PML-N leaders said that their rival party, PTI was facilitated in the election and voters of this party were offered every</p>

⁵ F. S. Aijazuddin, An Unburied Lion – Op-ed in Dawn, August 10, 2017: <https://www.dawn.com/news/1350643/an-unburied-lion>

⁶ The Only Enemy Pakistan’s Army Can Beat is Its Own Democracy: FP: <http://foreignpolicy.com/2017/08/09/the-only-enemy-pakistans-army-can-beat-is-its-own-democracy/>

		<p>cooperation and help at the polling stations for exercising their right to vote. The internal security of the polling stations was jointly given to the Army and the Rangers. The PML-N termed PTI a ‘spokesman’ of the forces which conspired against Nawaz Sharif. In this way, the contest of this party was indirectly with the same forces which the N leadership believes, had factored ouster of Nawaz Sharif.</p>
4.	October 2017	<p>In what appeared to be an indictment of the sitting Government, the COAS openly criticised Pakistan’s economy by saying that: “the economy is showing mixed indicators. Growth has picked up but the debts are sky high. Infrastructure and energy have improved considerably but the current account balance is not in our favor. Our tax to GDP ratio is abysmally low and this needs to change if we are to break the begging bowl.” “...If I were a statesman or an economist, I would say that this is high time for us to place economic growth and sustainability at the highest priority... We have to increase our tax base, bring in fiscal discipline and ensure continuity of economic policies.”⁷</p>
5.	October 2017	<p>DG ISPR Major General Asif Ghafoor in a press conference supported the enlistment of Milli Muslim League by saying that, “Every Pakistani has the right to participate in the polling process.”⁸ It must be noted that the Election Commission of Pakistan had rejected the application of Milli Muslim League to be enlisted as a political party. Milli Muslim League (MML) is apparently the political front of Jamaat-ud-Dawa, which is a proscribed organization under the Anti Terrorism Act of Pakistan.</p>
6.	November 2017	<p>In a Press Conference held on November 11, 2017, Mr. Mustafa Kamal, Chairman Pak Sarzameen Party (PSP), said that the deal between the PSP and Mr. Farooq Sattar’s Muttahida Quami Movement-Pakistan (MQM-P) was brokered by Sindh Rangers. He said that “today I want to tell all of Pakistan that, yes, the establishment called us and made us meet Farooq Sattar. When</p>

⁷ ISPR Press Release, Official Website, October 11, 2017, as accessed on November 03, 2017 at https://www.ispr.gov.pk/front/main.asp?o=t-press_release&id=4319&cat=army

⁸ No conflict between state institutions, says army, PAKISTAN TODAY, October 5, 2017, as accessed on November 03, 2017 at <https://www.pakistantoday.com.pk/2017/10/05/no-conflict-between-state-institutions-says-army/>

		<p><i>we reached, Sattar was already there and it was on his request that we were called. This did not happen a few hours ago. Sattar and his team have been calling us with help from the establishment for the past eight months.”</i>⁹</p> <p>Responding to the statement by Mr. Mustafa Kamal, DG Rangers Major General Mohammad Saeed, said that Sindh Rangers Director General Maj Gen Muhammad Saeed said that the military establishment did not support any particular political party in Karachi. “We just don't want a clash between them.” “Since September 2013, we have had an intense interaction with all political parties that were allegedly involved in committing violence in Karachi. However, we have not dictated any organisational policy for the political landscape of the metropolis.” Saeed went on to say that during the meeting [between MQM, PSP and LEAs] a military official might have shared an opinion that an alliance would be in the interest of the city, “but this is not our institutional policy.”¹⁰</p>
7.	November 2017	<p><i>Army facilitated the agreement between Government with Tehreek-e-Labbaik Ya Rasool Allah (TLYRA) to end a 19 day long Faizabad dharna that capitulated the State to demands of a mob. Earlier, Chief of Army Staff reportedly declined to involve the troops to end the sit in at the Faizabad interchange. In a meeting with Prime Minister, he opposed the Army’s use of force against its own people since the population’s trust in the institution of the Army “can’t be compromised for little gains.”</i>¹¹ The advice by the Chief of Army Staff, Gen. Qamar Javed Bajwa, to the Prime Minister Shahid Khaqan Abbasi through a telephonic conversation was made public precisely through a tweet by the DG ISPR as the Government carried out an operation on the directives of the Islamabad High Court on November 25. The COAS - <i>“suggested to handle the Islamabad dharna peacefully to avoid violence from both sides as it</i></p>

⁹ [Establishment brokered MQM-PSP alliance meet at Sattar's request: Mustafa Kamal](https://www.dawn.com/news/1369842), Dawn, November 11, 2017: <https://www.dawn.com/news/1369842>

¹⁰ [Establishment has not supported any particular political party, clarifies DG Rangers Sindh](https://www.dawn.com/news/1370273), Dawn, November 14, 2017: <https://www.dawn.com/news/1370273>

¹¹ [An overview of the crisis that forced the government to capitulate](https://www.dawn.com/news/1373200), Dawn, November 27, 2017: <https://www.dawn.com/news/1373200>

		<p><i>is not in national interest” said the DG ISPR’s tweet.</i></p> <p><i>The DG Rangers was seen to be distributing cash amongst dharna</i> protesters after it ended that further raised questions on the partisan role of the Army against the writ of the Government. Announcing the end of the <i>dharna</i> in a Press Conference on November 27, 2017, Mr. Khadim Hussain Rizvi, leader of TLYRA, highlighted the role the Chief of Army Staff played to resolve the issue. He said that the <i>COAS sent his special representative Major General Faiz Hameed (Director (Internal), ISI) and we made an agreement with him. Federal Minister Zahid Hamid’s resignation is to resolve the issue of Khatm-e-Nabuwat... We could have made further demands. At this time, General Sahab would have given us anything we would have asked for. The agreement that took place between us, General Sahab himself is also a guarantor in it.</i>¹²</p> <p>It must be noted that TLYRA is a political party whose candidate bagged 3rd position in the NA-120 election in September 2017, a seat that fell vacant after Mr. Nawaz Sharif’s disqualification and that Mrs. Kulsoom Nawaz Sharif won after a fierce contest.</p>
8.	January 2018	<p><i>Fourteen MPAs from the Balochistan Assembly filed a no-confidence motion against Chief Minister Sanaullah Zehri</i> that resulted in change in Government in Balochistan. This was followed by the election of Mr. Abdul Quddus Bizenjo, MPA, belonging to Muslim League-Quaid, as new Chief Minister of the province after Mr. Sanaullah Zehri resigned from the office. Bizenjo secured 41 votes out of total 54 polled in the election. This was seen as an orchestrated power maneuver by the establishment a few weeks ahead of the Senate election to deny Mr. Nawaz Sharif and his party any an opportunity to get a majority in the Senate of Pakistan.</p> <p>The move was criticized by Mr. Nawaz Sharif who termed</p>

¹² Press Conference of Mr. Khadim Hussain Rizvi, November 27, 2017, Islamabad Dharna ENDS Announcement, YOUTUBE, November 27, 2017, as accessed on December 04, 2017 at https://www.youtube.com/watch?v=ocn_RJ1efNE

		<p>the in-house change in the Balochistan government “a practical joke perpetrated on the people of province.” He said that Mr. Sanaullah Zehri was ousted and replaced with someone who secured just over 500 votes in the 2013 General Election. He had also claimed that the in-house change was orchestrated because certain quarters wanted to delay the Senate elections.</p>
9.	March 2018	<p>“Bajwa Doctrine” became the cause of much consternation and conjecture in the media after Chief of Army Staff met and interacted with a number of journalists in the context of “current environment” in an off-the-record setting.</p> <p>While the “Bajwa Doctrine” as it was referred to by a number of journalists, included a vast variety of subjects, perhaps the most objectionable ideas attributed to it have been that of COAS Bajwa allegedly fashioning the following notions:</p> <ol style="list-style-type: none"> i. “Guided democracy” based on three tenets: a democratic government, chosen by free and fair election, a governance set up where the elected have little or no impact, and protection of democracy, but not at the cost of national institutions.¹³ ii. <i>Criticism of devolution under the 18th amendment to the Constitution.</i> COAS is reportedly attributed to have said that <i>‘it is being seen to have caused an imbalance between the federation and the provinces. The provinces do not have the capacity to shoulder all the responsibilities that the amendment has transferred to the federating units. It is being seen as more dangerous than Sheikh Mujibur Rehman’s six points because following its passage the federation has turned into confederation.’</i>¹⁴ It must be noted that while DG ISPR in his press conference said that Bajwa Doctrine does not include devolution, he commented that <i>“there is</i>

¹³ The Bajwa doctrine, THE NEWS, March 18, 2018, as accessed on April 05, 2018, at <https://www.thenews.com.pk/print/293709-the-bajwa-doctrine>

¹⁴ Analysing the Bajwa Doctrine, M. Ziauddin, March 22, 2018. Daily Times: <https://dailytimes.com.pk/217943/analysing-the-bajwa-doctrine/>

		<p style="text-align: center;"><i>nothing better than every province being responsible for its own matters, but they should also be capable of making those decisions.”</i></p> <p>Though the DG ISPR in a later press conference clarified that conversations during the off-the-record meeting were lumped together as part of the Bajwa doctrine wrongly, and should be only seen from the lens of security, he did not deny that the reported conversations were not held during the interaction.</p>
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Parameter 3: Perception of Independence, Neutrality and Effectiveness of the Election Commission of Pakistan: 65.3%

The independence of the Election Commission, which was largely enhanced and protected through the 18th Amendment to the Constitution in April 2010 and successive laws since has helped strengthen the effectiveness and credibility of the Election Commission. PILDAT’s analysis on fairness and credibility of the 2013 General Election was endorsed through the report of the General Election 2013 Inquiry Commission headed by the Chief Justice of Pakistan at that time. The issues highlighted under the Inquiry Commission report were systematically addressed by the ECP in the ensuing period which resulted in the better management and conduct of successive bye-elections across the country.

Under the Elections Act, 2017, the ECP has been further strengthened and fully empowered to act independently:

- i. ECP directives have the same force of Law as directives of a High Court.
- ii. ECP has full administrative power to transfer or penalize election officials.
- iii. The ECP has been given full financial powers within his designated budget.
- iv. ECP can make its own rules without approval from President.
- v. ECP is authorized to address grievances throughout the electoral process, and its decisions will be appealable in the Supreme Court

All parties have apparently accepted ECP’s nomination of members of the subordinate judiciary (District and Session Judges, Additional District and Session Judges etc.) as District Returning Officers (DROs) and Returning Officers (ROs), including the PTI, which had previously decried the role of DROs and ROs taken from judiciary in rigging the 2013 elections. Although

the ECP does not require the endorsement of political parties for its decision, their endorsement or at least not objecting is a welcome sign.¹⁵ It may, however, be added that the Elections Act, 2017 gives to ECP the choice of appointing DROs and ROs from subordinate judiciary.

The PML-N has been raising slogans of pre-poll rigging, contesting that emergence of Political Parties, such as the Milli Muslim League under the plan to mainstream extremist religious groups by the security agencies has been a bid to cut off PML-N's vote bank. However no substantial petition with evidence for pre-poll rigging has been submitted by the PML-N with the ECP, so no work has been done to address these issues, and they may only remain for political sloganeering.¹⁶

ECP's performance in recent by-elections can be a good measure of their overall credibility. Although there were some violations of the code of conduct by the candidates, such as oversized banners and posters, addressing rallies by MNAs etc., the ECP remained vigilant and addressed concerns in a timely manner, remaining impartial.¹⁷ However, it must be noted, that despite taking notice of PTI Chairman Imran Khan, among other senior PTI leaders, as well as PML-N leaders taking part in electioneering in NA 154 by-election, the ECP failed to stop them from campaigning.

Overall, the ECP, both through the conduct of successive bye-elections and through the strengthened legal remit, has demonstrated greater effectiveness compared to the conduct of 2013 General Election and therefore is in a better position to hold more fair and credible election. It is, therefore, safe to say that the ECP is more empowered, more poised to be effective and organised than any other time in holding the 2018 General Election.

However, the independence and authority of the ECP is once again being apparently diluted by the Supreme Court on the question of voting by Overseas Pakistanis in the General Election 2018. The ECP had undertaken some pilot exercises before the passage of Elections Act, 2017 and involved NADRA in the process but was not satisfied that the internet or postal voting is safe or feasible to adopt OP voting at least for the 2018 General Election.

On January 16, 2018, while hearing the case of voting by Overseas Pakistanis, the Honourable Chief Justice of Pakistan, Justice Mian Saqib Nisar, had asked

¹⁵ Critical Role of ROs, DAWN, April 09, 2018, as accessed on April 18, 2018, at <https://www.dawn.com/news/1400500/critical-role-of-ros>

¹⁶ Nawaz complains of pre-poll rigging but avoids approaching ECP, April 11, 2018, as accessed on April 18, 2018, at <https://www.thenews.com.pk/print/302883-nawaz-complains-of-pre-poll-rigging-but-avoids-approaching-ecp>

¹⁷ ECP Vigilance, Violations of Code of Conduct Mark NA-120 Campaign, FAFEN, as accessed on April 18, 2018, at <http://fafen.org/ecp-vigilance-violations-of-code-of-conduct-mark-na-120-campaign/>

whether it is the job of the Supreme Court to give the right to vote to overseas Pakistanis. Obviously, the answer is No. It is for the Parliament to frame laws for this purpose and it is for the Election Commission to implement the laws. Despite this, it is the Supreme Court, which is driving the process of voting by overseas Pakistanis. Even the cost of the software development was discussed between the Supreme Court and NADRA and a figure of Rs. 150 Million was mentioned during a hearing. The petitioners in the case are pleading before a 3-member bench of the Supreme Court headed by the CJP that the arrangements be made for the Overseas Pakistanis to vote from abroad in the upcoming General Election, scheduled for July or August 2018.

The Supreme Court first directed the Parliamentarians, ECP, Federal Government representatives, NADRA and other technical persons to meet on April 12, 2018 to view the presentation of software developed by NADRA for this purpose on the direction of the Supreme Court. The Court then directed the ECP to form a task force to conduct a technical audit of the Internet voting solution process that was proposed by the National Database and Registration Authority (NADRA). The task force is mandated to assess the technical soundness of the web-based automated system that has been designed to help overseas Pakistanis vote through the Internet. Only expatriates who have been issued national identity cards for overseas Pakistanis and valid machine-readable passports will be eligible to use the system to cast their votes if the system is approved. The task force asked for 30 days to complete the job but the CJP has granted them only 15 days.

While the Supreme Court may direct the ECP to undertake more rigorous pilot projects in accordance with Section 94 of the Elections Act, 2017 and may recommend to the Parliament to consider legislating for the purpose, it may be somewhat risky to rush the process for 2018 General Election. Both ECP and the Parliament are independent institutions and are aware of both the aspirations of overseas Pakistanis as well as the risks inherent in adopting a system of voting from abroad.

If the Court directs the ECP to arrange OP voting in 2018 at the cost of weakening of authority of an independent ECP, the internet-based OP voting may also be a major instrument of rigging in 2018 General Election as it involves a substantial number (About 8 million) of Overseas Pakistani voters.

Parameter 4: Perception of Neutrality of the Accountability Process led by NAB: 43.1%

Since the appointment of the new Chairman National Accountability Bureau in the person of Justice (Retd.) Javed Iqbal in October 2017, it appears that a somewhat partisan accountability process has accelerated especially targeting

the Punjab Government. Various NAB inquiries and investigations under way include cases against Punjab Chief Minister Shahbaz Sharif, his elder brother Nawaz Sharif, Punjab Provincial Ministers Zaeem Qadri and Rana Mashhood Ahmad and 56 public sector companies accused of corruption in various government projects. NAB Chairman has also made statements such as urging heads of various government departments, the Lahore Development Authority in particular, to be “loyal to people and not to their boss.” He has said that **“the Punjab government is not cooperating with NAB in various inquiries. NAB does not need cooperation from departments of Punjab for itself, but for the people.”** The Punjab Government has rubbished these claims and said that there is no truth in the statement of the NAB chairman as all the departments of the Punjab government were fully cooperating with the probe bureau. The spokesperson of the Punjab Government maintained that the person who was working on the important seat of the Chairman or any officer of the bureau had any complaint against any of the provincial departments, there should have been an official-level communication for its redress.

Parameter 5: Perception of Freedom of Private Media from the influence of State institutions and vested interests: 37.8%

Unlike the scenario in the pre-election phase of 2008 where the military government by Gen. Musharraf imposed strong restrictions on private media and banned several anchors from conducting shows, the journalist community believes the private media is today facing restraints at the hands of a silent coup in place by the Military and its intelligence affiliate, the ISI.

According to a 2017 report by Reporters Without Borders for Freedom of Information (RSF), media in Pakistan ranks at 139 out of 180 countries. In 2018 one journalist has lost his life. Although the fatality of the profession has reduced over time, journalists are often attacked by extremist groups, Islamist Organisations, and intelligence agencies. Harassment of journalists, physical violence against them, by political actors, party activists and government officials is also common.¹⁸ According to the Freedom of Press Report 2017 by Freedom House, Pakistani media is “Not Free,” a categorization based on the legal, political and economic environment in the country. The report notes that, “the country’s powerful military pressured media outlets and journalists to disseminate positive coverage of its operations against militant Islamist groups (in 2016).” Both reports mention the passage of Prevention of Electronic Crimes Bill into law in September 2016 as a huge setback to Press Freedom. Under the law, criticism of Judiciary, the Military and Islam can

¹⁸ Country Report: Pakistan, Press Freedom Ranking 2017, REPORTERS WITHOUT BORDERS, as accessed on April 18, 2018, at <https://rsf.org/en/pakistan>

lead to imprisonment. Freedom House notes that the vague language of the Act gives broad powers to the authorities to censor and prosecute online content, with up to three years of imprisonment, in the name of national security.¹⁹

The result is an atmosphere of censorship. The media landscape is filled with land mines and sacred cows, where entire television channels are shy of covering criticism of the Pakistan Army, the Judiciary, or Islamist groups. Although there is a lack of evidence for it, the curious case of Geo TV being taken off air for over a month is an example of the consequence of not towing the required line. Geo TV has largely seen as being sympathetic to the narrative by the PML-N and its ousted leader, Mr. Nawaz Sharif. It is said to be facing the consequence of doing that. While no government functionary, including PEMRA has taken responsibility for the disappearance of Geo TV from the national media landscape, cable operators, have reportedly confirmed, on condition of anonymity, that the channel was taken off air on directive of the military.²⁰

Recently, Reuters reported, quoting two unnamed employees of Geo, that Geo will return to the airwaves after having made a deal with military officials. A new editorial policy has been transmitted across the media group, which favours the military establishment and disfavours the opposing PML-N government. The policy has been implemented by GEO TV in order to return to the airwaves. Besides banning negative portrayals of the "establishment" and any allegations that the Supreme Court might be interfering in politics, the instructions said there should be no reports on Nawaz Sharif's ongoing corruption trial "that helps build a narrative that he and his children are innocent," the Reuters quoted the written instructions by Geo management to staff as "key editorial points that we have to manage and implement" in order to be restored to the airwaves.²¹

Another censorship was placed on the media in the shape of the ***Lahore High Court (LHC) verdict that instructed Pakistan Electronic-Media Regulatory Authority (PEMRA) to ensure that no anti-judiciary speeches by ousted Prime Minister Nawaz Sharif and***

¹⁹ Country Scores: Pakistan Profile, Freedom of the Press 2017, FREEDOM HOUSE, as accessed on April 18, 2018, at <https://freedomhouse.org/report/freedom-press/2017/pakistan>

²⁰ Why did Pakistan's Geo TV go dark?, AL JAZEERA, April 16, 2018, as accessed on April 18, 2018 at <https://www.aljazeera.com/programmes/listeningpost/2018/04/pakistan-geo-tv-dark-180411070826615.html>

²¹ Exclusive: Pakistan TV channel returning to air after negotiations with military - sources, REUTERS, April 18, 2018, as accessed on April 18, 2018 at https://mobile.reuters.com/article/amp/idUSKBN1HP2WV?__twitter_impression=true

his daughter, Ms. Maryam Nawaz, are aired.²² After uproar against a sort-of gag order, the Supreme Court took another *suo motu* notice on the uproar, and ruled that the order did not curb the fundamental right of freedom of speech under Article 19 of the constitution.²³

A threat from the intelligence agencies is reportedly always looming, and several talk show hosts and news channels have complained that their channels were threatened or actually taken off air for criticizing the military. Now with this order censorship has reached a new pinnacle. Dawn reports that after the LHC order, speeches by speakers - which included Mr. Nawaz Sharif, Pakhtunkhwa Milli Awami Party (PkMAP) President Mr. Mehmood Khan Achakzai, Jamiat Ulema-i-Islam (JUJIF) Chief Maulana Fazlur Rehman and National Party (NP) President Mr. Hasil Bizenjo – at a seminar held in Islamabad to launch a movement to urge military and judiciary to work within the ‘constitutional framework,’ **were not even covered by the state-run Pakistan Television and most private television channels.**²⁴

Another factor that could create an undue advantage in favour of well-established political parties is paid advertisements. Parties with big budgets get more airtime on the media, as they run expensive paid advertisements. Elections Act, 2017 does not put a cap on party election expenses, therefore it is legal for a political party to run any number of paid advertisements on the media. However, closer to the elections, government ads can not be run on the media according to ECP’s Code of Conduct.

Lately, as the Chief Justice of Pakistan noted while hearing a case regarding media commission on April 16, 2018, that PEMRA is not an independent institution, as it should be, and is controlled by the government. **To this end, CJP removed Minister of Information Maryam Aurangzeb from the seven-member panel that is to select the new chairperson of PEMRA,** noting that she is busy giving statements and will not have time for this job.²⁵ PEMRA has had no chairperson since December 2017, when the incumbent chairperson was asked to step down by the LHC, which ruled that

²² LHC bans airing of anti-judiciary speeches, DAWN, April 17, 2018, as accessed on April 18, 2018 at https://epaper.dawn.com/DetailImage.php?StoryImage=17_04_2018_001_004

²³ SC says LHC didn’t curb right to freedom of speech, DAWN, April 18, 2018, as accessed on April 18, 2018 at

https://epaper.dawn.com/DetailImage.php?StoryImage=18_04_2018_001_005

²⁴ Army, judiciary urged to work within constitutional framework, DAWN, April 18, 2018, as accessed on April 18, 2018 at

https://epaper.dawn.com/DetailImage.php?StoryImage=18_04_2018_001_003

²⁵ Want to end government's control of PEMRA, make it independent: CJP, GEO.TV, April 16, 2018, as accessed on April 18, 2018, at <https://www.geo.tv/latest/191277-want-to-end-governments-control-of-pemra-make-it-independent-cjp>

his appointment was illegal.²⁶ Lack of independence of PEMRA from government or other executive bodies should also be a concern to freedom of press.

Parameter 6: Perception of Credibility of Electoral Rolls: 67.3%

Accuracy of computerised electoral rolls has increased during this period. Under the Elections Act, 2017, any citizen who gets a CNIC is automatically enrolled in the Rolls. NADRA is legally bound to transmit relevant data of every CNIC issued by it to the ECP. so that every citizen who obtains a CNIC from NADRA can automatically be enrolled as a voter at his/her permanent or temporary address on the basis of option in the application for issuance of CNIC.

In another pro-candidate addition to the Elections Act, 2017, a further clause has been added to maintain the sanctity of the Electoral Rolls. The candidate, on application will be provided in both hard and soft, a searchable copy of the voter list, which also includes voters photographs.

The percentage of women voters is still considerably lower than the targeted percentage of 48.77% - the percentage of women in the total population according to the preliminary figures of Population Census 2017. According to this desired percentage, women voters' number should have been 50,851,299 indicating that more than 5 million eligible women are not yet registered as voters mainly because they have not yet acquired their Computerized National Identification Cards (CNIC). Some other estimates indicate a much higher gender gap of 10 to 12 million in the number of voters. The latest voters list released by the ECP on March 26 shows that there is only a slight improvement in the percentage of women voters. The slight improvement in women voters' percentage indicates on the one hand that the efforts of the ECP, NADRA, the civil society and others for improved women voter registration through aggressive CNIC issuing efforts that are making some headway. On the other hand, it also shows that the pace of issuing CNICs to women is still not sufficiently fast to bridge the voters' gender gap before 2018 General Election.

Parameter 7: Perception of Maintenance of Law and Order to allow political activities on a level playing field: 57.8%

²⁶ Absar Alam steps down as Pemra chairman after LHC declares his appointment illegal, DAWN, December 18, 2017, as accessed on April 18, 2018, at <https://www.dawn.com/news/1377349>

While the law and order situation has improved from 2013 which has made it possible for each political party to hold rallies, *jalsas* and conventions, it appears that the establishment is supporting some parties over others to hold the law and order situation hostage. The case in point are the successive rallies by the Tehreek Labbaik Ya Rasool Allah at the Faizabad Dharna followed by the recent sit-downs at Mall Road, Lahore and the one blocking all entries and exits of Lahore in April 2018.

Parameter 8: Perception of Fairness and adherence to the laws and rules relating to the electoral constituencies delimitation process: 64.0%

The ECP is constitutionally charged with the responsibility of delimitation of constituencies after every population census. Elections Act, 2017 calls for 30 days to be given to contest delimitation, and gives the ECP the final authority to rule on delimitation.

Soon after the ECP issued the preliminary report on the delimitation on March 5, 2018, the National Assembly Speaker went on to constitute a special committee on Delimitation under the chairmanship of the Honourable Deputy Speaker on March 13, 2018. The ECP has informed the Parliamentary Committee that the delimitation of constituencies is the sole mandate of the ECP and that it will not entertain any recommendations or representations made by the committee as the Elections Act, 2017 gives the right of filing representation against delimitation only to the voters of the concerned constituency.

Apparently, the ECP position on the questions seems to be more convincing as the Elections Act, 2017 does not provide a role to a parliamentary committee or anyone else except the voters of the concerned constituency to question the scheme of delimitation.

As per law, the ECP provided the prescribed time to deal with delimitation. The ECP received 1286 objections regarding proposed delimitation, and has disposed off the objections within the allotted 30 days by May 03, 2018.

It has to be noted that according to the new law, ‘as far as possible, variation in population of constituencies of an Assembly or a local government shall not ordinarily exceed ten per cent. If the limit of ten per cent is exceeded in an exceptional case, the Commission shall record reasons thereof in the delimitation order.’

Parameter 9: Perception of Lack of ability of Local Governments to influence elections: 57.8%

While elected local governments are in place across Federal and Provincial levels and each system differs from the other in terms of its legal remit, there is a consensus on the weakness of the system of Local Governments in place in Pakistan. Unlike the powers and authority carried by Local Governments installed under the military rule by Gen. Musharraf, the current local governments in place, due to their lack of authority, are apparently not in a position to influence elections. This is also evidenced during the successful conduct of various bye-elections held in the country after election of local governments.

Parameter 10: Perception of Lack of ability of the President and Governors to influence elections: 61.8%

The 18th Amendment to the Constitution of Pakistan reversed the powers earlier vested in President and Governors to the elected Premier, Chief Ministers and legislatures. This has meant that the power, and therefore the capacity, to influence any election and electoral outcome does not rest with the office of President and Governors as used to be the case before. Other than the Governor of Khyber Pakhtunkhwa who is also the administrative head of FATA, the remaining 3 Governors have negligible powers in the affairs and functioning of elected Governments.

Parameter 11: Perception of Neutrality of the state-owned Media: 41.5%

State-owned media remains the mouthpiece of the Federal Government and therefore projects the news and views in line with the version of the Federal Government. Even though the PTV invites leaders of other political parties on its talk shows, the tone and tenor of anchors questions and perspectives are largely those that are sympathetic to the narrative of the PML-N Government in office. The lack of neutrality is also evident through the appointment of successive Chairpersons and MDs of the State-owned media.

Methodology of the Score Card

PILDAT developed a Pre-poll Fairness Framework consisting of 11 parameters to assess the fairness of the pre-poll phase. PILDAT catalogued and carefully reviewed the developments which took place during the past one year against these eleven (11) parameters. These parameters and the performance against each of them has been discussed in the preceding paragraphs. PILDAT, guided by scoring of members of PILDAT Dialogue Group on Civil-Military Relations (DGCMR) has evaluated the performance against each parameter and scored its performance. The individual scores are then aggregated to produce the collective score against each parameter.

The Score Card reflecting the aggregate score is given in Figure 1. In order to develop the Score Card, PILDAT has also determined the relative importance or weightage of each of the eleven parameters. This weightage is shown in Figure 2. The Overall score has been adjusted to reflect the weightage or relative importance of each parameter.

Weightage/Relative Importance of Score Card Parameters

Below is the assigned weightage/relative importance of individual parameters. The weightage explains the impact each parameter has on determining fairness of the pre-electoral process.

Table 5: Weightage/Relative Importance of Individual Parameters

No.	Parameter	Assigned Weightage
1.	Perception of Independence and Neutrality of Judiciary	12 %
2.	Perception of Neutrality of Military towards competing political parties and candidates	12 %
3.	Perception of Independence, Neutrality and Effectiveness of the Election Commission of Pakistan	12 %
4.	Perception of Neutrality of the Accountability Process led by NAB	10 %
5.	Perception of Freedom of Private Media from the influence of State institutions and vested interests	10 %
6.	Perception of Credibility of Electoral Rolls	10 %

7.	Perception of Maintenance of Law and Order to allow political activities on a level playing field	9 %
8.	Perception of Fairness and adherence to the laws and rules relating to the electoral constituencies delimitation process	7 %
9.	Perception of Lack of ability of Local Governments to influence elections	6 %
10.	Perception of Lack of ability of the President and Governors to influence elections	6 %
11.	Perception of Neutrality of the state-owned Media	6 %
12.	Total	100 %

Conclusion and Prospects for the Remaining Phases of General Election 2018

A systematic and continuous review of the Pre-poll electoral process spanning over a period of a year starting from April 2017 up to March 2018 2007 indicates that the pre-poll process has, so far, been *Unfair* overall.

Electoral history in Pakistan shows that pre-poll rigging has had the most decisive impact on the fairness of Pakistan's various elections. Polling day rigging, unlike the general public perception, is extremely difficult to carry out given the mobilization of citizens and competing parties, and now with an active news and social media. Only in 1977 election, allegations of polling day rigging gave way to mobilization of political forces that resulted in disastrous outcome of a martial law. Post-poll rigging, carried out through manipulation of elected representatives and parties has also been used to turn down electoral outcomes and gains. As evidenced after the Senate election held in March 2018, major parties including the PML-N, PTI, ANP and others have publicly complained about the systematic use of rewards, punishments and intimidation to deny them of their legitimate numeric strength.

Prospects for Remaining Phases of the Electoral Process

PILDAT strongly feels that the future of democracy and long-term stability in Pakistan is linked to a free and fair election. Not only the coming election is a great test for the country, the post-election challenges will also put the leadership to extreme tests. Only a leadership with a clear mandate by the people of Pakistan can have the strength to deal with such apparently-insurmountable problems. If the coming election turns out to be anything but completely free and fair, the challenges facing the country will compound and democracy, along with the future of the State, may face grave threats.

Based on the assessment of perception of fairness of the pre-electoral process, PILDAT believes that if the current trend of the perception of unfairness continues, the prospects for the fairness of remaining phases of the electoral process will also be jeopardized. Pakistan is better prepared than at any other time in its history to hold free and fair election in terms of the constitutional, legal and administrative capacities of the Election Commission. While an unfair pre-election process will have implications on the fairness of the electoral process, the coming General Election can still be held in a free and fair manner if the stakeholders influencing the level playing field realise the possible catastrophic outcome of a tempered election and step back from the brink.

With an unfair pre-election process already in place, the ensuing period of before the General Election 2018 will be of critical importance in this regard.

While the putting in place of caretaker governments at the Federal and Provincial levels and their conduct in office earlier served as an important parameter in assessing fairness of pre-electoral process, the passage of the Elections Act 2017 has rendered caretaker governments to absolute powerless entities and therefore not of consequence to pre-poll fairness.

However, these ensuing months will also have elements of crucial importance to pre-poll fairness such as the likely decision of accountability cases against Mr. Nawaz Sharif, finalization of political electoral alliances and the increasingly partisan and as recent developments show, an irresponsible and reckless behaviour of the NAB,²⁷ which has been known to have been used as an infamous tool of political manipulation at the hands of its creator, the military dictator, Mr. Musharraf after 2002 general election. Mr. Sharif, supreme leader of PML-N, has termed NAB inquiries against his party as ‘pre-poll rigging.’ Mr. Nawaz Sharif has also alleged that ‘some forces’ have begun to pressurize party’s MNAs to quit and contest election as independents or join the Pakistan Tehreek-i-Insaf, adding that the PML-N MNAs who had formed the Junoobi Punjab Suba Mahaz (JPSM) and merged with the PTI afterwards, were forced into doing so.²⁸ Earlier PPP had made serious allegations against the alleged high-handedness of NAB and even tried to banish it from provincial departments through an act of the Sindh Assembly.

It is both unfortunate and ironic that whereas we should have been poised as a country for the best possible conduct of a free and fair 11th General Election in 2018 owing to the preparedness of the Election Commission of Pakistan, an excellent electoral roll and successful conclusion of delimitation of constituencies, the excellence in administrative preparedness for holding election will be of little consequence in prospects of a free and fair election. The ECP is going from strengths to strengths in its preparedness for the election. The ECP, despite an effective and gradual constitutional and legal safeguard of its powers and consistent improvements in its capacity to hold free and fair elections displayed through 2010 onwards, has been unfairly a victim of political animosity at the hands of some parties due to a propaganda against it after 2013 General Election. The resultant lack of trust on ECP by some parties can only be reversed through consistent efforts by the ECP to engage in a systematic public dialogue with political parties.

²⁷ For further details, please see [NAB’s flawed pursuit](https://www.dawn.com/news/1406782/nabs-flawed-pursuit), Dawn, May 10, 2018: <https://www.dawn.com/news/1406782/nabs-flawed-pursuit>

²⁸ For details, please see [Give proof of 'shameless' allegations in 24 hours or resign, Nawaz tells NAB chairman](https://www.dawn.com/news/1406822/give-proof-of-shameless-allegations-in-24-hours-or-resign-nawaz-tells-nab-chairman), Dawn, May 10, 2018: <https://www.dawn.com/news/1406822/give-proof-of-shameless-allegations-in-24-hours-or-resign-nawaz-tells-nab-chairman>

Possibility of electoral violence, resulting through the increasing political polarization is another factor that will impact the conduct of free and fair election. The unfortunate use of indecent language against political opponents is both provoking and inciting party followers against political opponents. This has taken on dangerous connotations as religious parties such as the likes of Tehreek Labbaik Pakistan (TLP) are openly inciting its followers to hit at alleged *gustakhan-e-rasool* that has resulted already in the dastardly assassination attempt on Mr. Ahsan Iqbal, PML-N MNA and sitting Federal Interior Minister. The unfortunate and strategic fanning of such emotions will have deadly consequences for election. Party leaders, must therefore, come back from the proverbial brink and control their language, promote decency and stop attacking opponents. The ECP can play an important part as an interlocutor and an honest broker in getting parties to agree to maintain a necessary decorum as part of a code of conduct. The Honourable judges should also be cautious while making observations about individual politicians or the federal and provincial governments because such observations are widely covered by the media and sometime even quoted out of context. In some cases, such misquoted observations may provoke political rivals.

The decision and its implementation on voting by Overseas Pakistanis can also affect the credibility and fairness of election if a decision is taken in a haste to allow Overseas Pakistanis to cast vote in the upcoming election through an unproven and hurriedly prepared technological system. We recommend that the system should only be put into operation after sufficient testing in the General Election 2023.

Last but not the least, a precariously balanced electoral process already contaminated by high degree of unfairness and political polarization has a propensity to external influence and manipulation. In the context of Russian manipulation of US Presidential election and breach of technology to influence voters are no longer remote possibilities but potent threats. Battling with allegedly partisan accountability and issues of its survival, the Government appears unwary and unprepared against such possible influences. With an increased reliance of ECP on technology through Result Transmission System (RTS) and Result Management System (RMS), utmost care is required to ensure against its manipulation by internal and external players. The ECP has to remain vigilant.

Much like the universally-accepted maxim that *Not only must Justice be done; it must also be seen to be done*, Elections should not only be held in a free and fair manner, these must also be seen to be done so. This careful assessment of the period of the Pre-poll election process leaves no doubt that the process has been unfair so far and the prospects for the fairness of

remaining phases of the electoral process appear to be bleak. The players guilty of using their might against level playing field must realise the likelihood of catastrophic outcomes of their actions now. This assessment, we hope, will serve as a timely alert to all concerned to correct course, where so warranted.

