

The Role of Electoral Laws in Promoting Good Governance and Ensuring True Democracy

Shakaib Aleem Arshad¹, Muhammad Rafee Ullah², Muhammad Faiq Butt³, Muzzammil Hussain⁴ & Muneeb Haider⁵

¹Law Lecturer, Rashid Latif Khan University, Pakistan, Email: aleemalrai700@gmail.com

²Department of Law, University of Sahiwal, Sahiwal, Pakistan, Email: malikrafeekhokhar@gmail.com

³Department of Law, University of Okara, Okara, Pakistan, Email: faiqbutt655@yahoo.com

⁴Department of Law, University of Sahiwal, Sahiwal, Pakistan, Email: muzzammilhussain89@gmail.com

⁵Department of Law, University of Sahiwal, Sahiwal, Pakistan, Email: muneebfatyana034@gmail.com

ARTICLE INFO	ABSTRACT
Article History: Received: February 13, 2025 Revised: March 20, 2025 Accepted: March 22, 2025 Available Online: March 26, 2025	Elections laws are foundational to the working of law-based administration, giving the lawful system that guarantees decisions are conducted in a straightforward, reasonable, and open way. At the center of these laws lies the rule of well-known way, which declares that political control rests with the individuals. For vote-based system to flourish, decisions must reflect the honest to goodness will of the voters, free from control, and maintain the elemental rights of citizens to vote and take part in political life. This article analyzes the basic part that election laws play in defending majority rule standards, counting the security of voter rights, guaranteeing responsibility, and advancing political steadiness. It moreover investigates the challenges elections laws confront, such as voter concealment, appointive extortion, and the impact of cash in legislative issues, as well as the evolving nature of these laws completely different political and social settings. By analyzing the relationship between election laws and majority rule administration, the article emphasizes the significance of continuous reforms to fortify the keenness and inclusivity of the constituent process. Pakistan includes a turbulent majority rule history, happened in turn over and over between chosen and military government since 1947 Useful and viable political framework will as it were guarantee the success and solidness of Pakistan. For utilitarian political framework free, reasonable and straightforward decisions are critical fixing. Be that as it may a few changes were too seen in 2013 generals election compared to the 1970 to 2008 races. Through a detailed analysis of the authentic framework of Pakistan's first 12 general elections, it is clear that significant political and administrative reforms are still essential to ensure that the electoral process adheres to universal standards and guidelines.
Keywords: Good Governance, Elections laws, True democracy, Political stability, Democracy in Pakistan, Role of Electoral Laws	
Corresponding Author: Muhammad Faiq Butt Email: faiqbutt655@yahoo.com	



Introduction

Elections laws play a vital part within the appropriate working of a vote based system. They build up the lawful system for how races are conducted, guaranteeing that the forms are straightforward, reasonable, and available. At the heart of democratic government lies the rule of prevalent sovereignty” the thought that control eventually rests with the individuals. For this to be important, it is basic that Election be conducted in a way that reflects the will of the people is free from control, and maintains citizens rights to vote and take part in political life. This article investigates the relationship between Election laws and democratic government talking about the part these laws play in maintaining popular government, challenges they face, and their advancement in numerous political settings. Vote based system is fundamental for great democracy. Free, reasonable and straightforward elections method having a closest nexus with great democracy. Any country's political institutions must be built to support democratic principles, remain independent, and function impartially.

The safeguard of fundamental human rights should be their primary concern. Political rights of individuals should be acknowledged and guarded in a democratic nation so that electors may choose their representatives freely in an election. Also, to ensure accountability and transparency, the participation of the people in observing, monitoring, and reporting electoral activities pre-, during-, and post-voting is imperative. These elements facilitate effective government and the formation of electoral democracies by being the basis for free and fair elections. As it has appeared to the regimes of Saddam Hussein in Iraq, Assad in Syria, and Ghaddafi in Libya, not having free and fair elections has traditionally led to instability in nations. Government tyranny was perpetuated by these governments' opposition to structural reforms. Conversely, countries such as India that have institutionalized free and fair elections are models of how democratic processes can result in stable rule. India is a global model of a durable democracy that fosters equality and liberty. For democratic rule to be egalitarian, political stability as well as the eradication of corruption must be accomplished. Transparent and credible elections provide individuals with greater power and allow them to have a voice in how government is operated. Regular elections are critical to government institutions in democracies worldwide because they ensure fair participation and opportunity for opposition parties to operate. Effective legal frameworks and impartial executive institutions are required to solve problems in voting systems and maintain universal democratic standards. The validity and representativeness of electoral procedures are eroded by continued political instability, underlining the imperative for reforms to consider the interests of all society stakeholders. Block voting remains an extremely challenging practice in Pakistan. The concept of free choice in politics is weakened by this system, which often compels individuals to vote in line with directions from village chiefs, tribal leaders, or heads of household. In spite of these impediments, the urgency of far-reaching electoral and political reforms to bring in authentic democratic standards is increasingly being realized both domestically within Pakistan and internationally.

"Everyone has the right to participate in the government of their country, directly or through freely chosen representatives," as stated in Article 21 of the Universal Declaration of Human Rights (UDHR). The foundation of the government's power will be the people's will, which will be reflected in regular, legitimate elections that are held by secret ballot or comparable free voting methods and are open to all citizens with equal suffrage. (UDHR, Article 21). To address this problem and ensure compliance with universal norms and promises, a firm legislative structure and effective executive machinery are required. In addition, efforts to maintain openness and trust in government institutions are thwarted by continued political instability. Designing election

procedures that are inclusive and represent the goals of all parties involved is essential. Implementing these procedures requires a dedication to impartiality and fairness. The idea of block voting is still in use in Pakistan.

People are frequently denied the ability to vote on their own under this system and are instead forced to obey the orders of family heads, tribe chiefs, or local elders like Sardars or Chaudharys. This strategy maintains the appearance of choice in government while undermining the fundamentals of true democratic freedom. Notwithstanding these obstacles, the necessity of electoral and political changes to guarantee genuine democratic processes in Pakistan is being more acknowledged on a national and worldwide scale. Everyone has the right to take part in their nation's governance, either personally or via representatives they have freely selected, according to Article 21 of the Universal Declaration of Human Rights (UDHR). The foundation of the government's power will be the people's will, which will be reflected in regular, legitimate elections that are held by secret ballot or comparable free voting methods and are open to all citizens with equal suffrage. (UDHR, Article 21)

Research Question

Q. What are the challenges faced by Pakistan for all time government concerning free and fair elections?

Good Governance in India

One of India's most distinctive characteristics has been a strong electoral system, which has outweighed its importance in other areas like infrastructure, technology, and the economy. India's democratic constitution has been continuously defended by the Indian Parliament, government agencies, court, media, and—above all—the people of India. The founders of contemporary India overcame several obstacles to effectively implement universal adult suffrage, which gave the typical Indian a lifelong dedication to the democratic process.

The Election Commission of India (ECI) has held around 360 elections for State Legislative Assemblies and 16 Lok Sabha elections, which are representative elections for the lower house of Parliament. These elections have been marked by accuracy, harmony, and a commitment to democratic values. In India's electoral history, the May 2014 general election was a significant occasion. 554 million of the 834 million registered voters used 1.8 million Electronic Voting Machines (EVMs) at 931,986 polling places to cast their ballots. There were 118 million more voters in the 2014 election than in the 2009 General Election.

The magnitude of the 2014 General Election was equivalent to three Canadas, four Australias, ten Portugals, or twenty Finlands in terms of voter turnout, and it exceeded the combined populations of South Africa, South Korea, and Pakistan. India's dedication to upholding a strong and inclusive democratic process is demonstrated by this outstanding achievement.

India the globe best justice profit Security of Election

Intrigued is afflicted by things similarly trust and depend on responsiveness and safety of the arrangements. The foremost important pierce for ECI is protection. A free and easy conclusion is strange outside most amazing thoroughness freedom lower each reasonable chance, mocking nothing to chance. A well evolve freedom method is, thus, ultimate important arm in Election Commission love.

Execution of Punishment

Addressing the problem of non-bailable arrest warrants is essential to guaranteeing election security. The ECI has acted to provide that anyone proven guilty of wilful negligence or malpractice bear the right consequences when courts release such warrants on those associated with election malpractices. In curtailing intimidation and malpractices, the ECI has recently enhanced its monitoring and implementation of non-bailable arrest warrants, significantly strengthening the election process. This has enhanced the legitimacy of the voting process by providing a climate of justice and transparency.

Characteristics of India's Credible Elections

Openness Self-reliance

Fairness

Proficiency

Transparency

One key part of maintaining consistent election outcomes in India is openness. Voters can simply verify their details by checking the electoral rolls, which are made publicly available online and accessible to every candidate and governmental organization. A complete disclosure of all financial assets and liabilities, along with any current criminal charges against them, is also required for candidates. Official authorities verify and record this information prior to its inclusion on their nomination papers. These actions promote accountability and enhance trust in the democratic process by providing citizens with access to key facts.

Independence

The Election Commission of India (ECI) is not only important due to its organizational role but also due to its firm commitment to impartial and independent functioning. In order to guarantee their independence in office, the Chief Election Commissioner (CEC) of India can be removed only after a process similar to that of removing a Supreme Court judge. To add further credence to the electoral process, Returning Officers (ROs) are often representatives of the Indian Administrative Service (IAS) and other Civil Services. The judiciary gets involved only when the Representation of the People Act is violated, when it becomes involved at that point. By bringing attention to the independence of the ECI and ability to work independently without interference, this framework ensures a neutral and transparent electoral process.

Impartiality

The entire resolution handle's neutrality is always ensured. The sanction of the election code ensures that no executing agency gets any unjust advantage. ECI keeps a watchful eye on the Indian examining stick. The chances of workouts getting prohibited are thus lessened for qualified people.

Competency

The ability of the ECI to conduct the whole race procedure is one of its achievements. Indian establishment allure control is determined by independent ECI. Enjoyable sticks that function fearlessly are coined by ECI. India's 2014 elections were an important event in the history of the nation.

Strengthening by Constitution

It is the responsibility of neutral Election Commission of India (ECI) to conduct free, fair, and transparent elections without intimidation and undue influence. It ensures the very essence of electoral freedom by making sure that citizens can freely express themselves and choose those candidates whom they wish to, according to their own preferences. The Supreme Court of India maintains and strengthens the independence and authority of the ECI, which has been critical to the efficient and impartial functioning of the Commission. The Supreme Court has bestowed the ECI with significant autonomy through a series of landmark judgements, ensuring its ability to ensure the integrity of democratic processes in India.

Case law: Birenda Kumar V/S State of Bihar

Held

The Election Commission of India (ECI) must conduct free and fair elections, the court ruled. In case a large number of individuals who are not eligible to be included in the voter roll are included, then the petitioners will be obliged to approach the Indian Election Commission with their grievances.

Challenges to Pakistan's Good Governance with respect to free and fair elections: A case study of Pakistan

Elections that are free and fair are essential to Pakistan's democracy. Good administration is fostered by elections, which are the foundation of a democratic government. It is impossible to imagine a democratic political system without free, fair, and credible elections because they guarantee that the people's will is represented in the selection of their representatives. Elections may be readily exploited by powerful political organizations to stifle popular will and take over the government in areas with poor civil institutions, as Eric Chenoweth so eloquently put it. Elections shape voting habits and political views, especially when such behaviors are impacted by systemic issues. The establishment of an open and democratic form of administration remains a major problem for Pakistan. One significant obstacle is the low voter participation, which, according to statistics gathered by the Swedish-based International Institute for Democracy and Electoral Assistance (IDEA), is among the lowest in South Asia and sixth from the bottom worldwide. The ineffectiveness of the Election Commission of Pakistan (ECP) and a shaky democratic infrastructure have been major causes of the electoral process's low legitimacy in Pakistan, according to an analysis of the country's eight most recent general elections (apart from the 1977 elections). Despite these obstacles, there is broad agreement on a local, national, and international level that Pakistan urgently needs political and electoral changes. The emphasis has to change from empty rhetoric to practical, doable solutions. A cross-party agreement to enact new election reform measures, such as updating voter lists and establishing fair border demarcations to ensure equal representation, would be a crucial first step. Furthermore, all political players need to understand that holding elections would not be in Pakistan's best interests if the current structural flaws were not fixed.

Pakistan's low average voter participation of 46.12% reflects the country's disenchantment with its election system. The nation's hard-won democratic accomplishments are in danger of being undermined by this lack of trust. Political leaders now have the chance to come together and tackle

long-overdue changes to the election and governance systems, guaranteeing a more robust and democratic future for Pakistan.

Historical survey of first 12 common voting in Pakistan from 1970-2024 And effect on Good Governance

The voting records of nineteenth century saw the establishment of a British universal institution in Sub-pure that allowed Indian delegates to participate in legitimate governmental endeavors. The British introduced the process of resolving any seats in India through definitive assemblies during the nineteenth century. After India and Pakistan gained their independence in 1947, both countries began to exercise true dominance and provide outstanding justice. Nevertheless, when making preparations, Pakistan stood up to several challenges. Observing the common voting from 1970 to 2024 may help you grasp it.

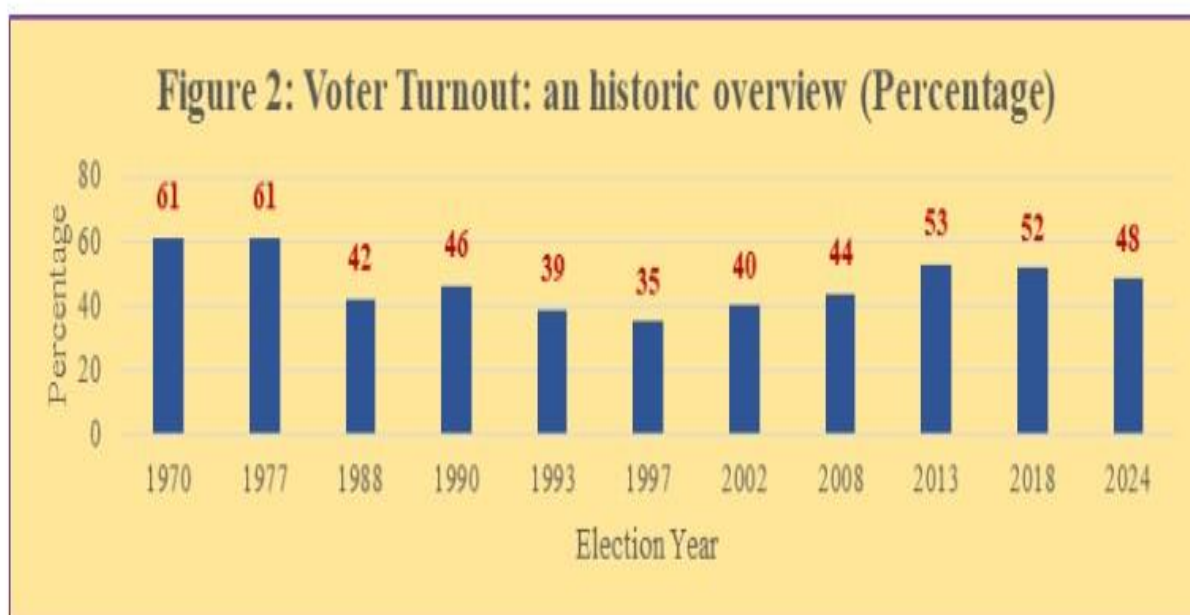
Historical overview of the first ten general elections of Pakistan: (Table 1)

Year	Electoral Context	Major Parties	Key issues	Election Results	Post-Election Impact
1970	The principle of equality was replaced with population-based representation, dividing East and West Pakistan.	Awami League (East Pakistan) and PPP (West Pakistan).	Awami League demanded greater autonomy and criticized the utilization of East Pakistan's resources by West Pakistan.	Awami League secured 160 seats out of 300, while PPP won 81 out of 138 seats in West Pakistan.	The results highlighted significant differences in political inclinations between East and West Pakistan.
1977	Following the 1973 Constitution, opposition demanded fresh elections.	PPP was the main party contesting the elections.	PPP and PNA criticized each other's policies.	PPP won 151 out of 200 general seats, with PNA securing 36.	PPP's victory was short-lived due to ensuing political unrest.
1985	The second elections were conducted under a non-party system during General Zia's rule.	Political parties were barred from participation.	Public rallies were banned by military authorities.	Many independent candidates were elected.	In March 1985, General Zia announced the Revival of the Constitution Order (RCO).
1988	After Zia's death in an air crash, elections were	PPP and the Islamic Democratic Alliance	Both parties heavily criticized each other.	Voter turnout for the National Assembly	PPP formed a short-lived government.

	conducted under the interim presidency.	(IJI).		elections was 42.7%.	
1990	Political rivalry between PPP and IJI reached its peak	PML-N, PPP, and IJI were the main competitors.	PPP defended its governance while IJI criticized its policies.	IJI emerged victorious with a majority.	IJI formed the government.
1993	Nawaz Sharif's government was dismissed due to corruption and nepotism charges	PML-N and PPP were the key contenders.	Rivalries between the two parties dominated the campaign.	PPP won 86 seats, emerging as the largest party.	PPP, PML-N, and independents formed a coalition government.
1997	Fourth consecutive elections were held as no government completed its term since 1985	PML-N, PPP, and PTI competed.	Campaigns were filled with promises that were largely unfulfilled.	PML-N won 139 out of 207 general seats.	PML-N formed a government at the federal level.
2002	Elections were held to transition from military to civilian rule under General Musharraf.	PML-Q received military backing, while PPP and PML-N participated without their leaders.	Campaigns were closely monitored by the ECP and intelligence agencies.	PML-Q won the majority.	The military ensured PML-Q's coalition government at the federal level.
2008	These elections symbolized the return of democratic forces after Musharraf's era.	PPP and PML-N actively participated.	Manifestos focused on social welfare and economic development.	PPP emerged as the largest party with 95 seats.	PPP and PML-N initially formed a coalition government, but it was short-lived.
2013	Allegations of rigging and favoritism marred the elections.	PML-N, PPP, and PTI were the main parties	Key issues included governance, civil-military relations, and	PML-N won with 55.02% voter turnout.	PML-N formed the government, but PTI challenged

			foreign policy.		the election results.
2018	Elections were held for the 15th National Assembly and four Provincial Assemblies.	PTI, PML-N, and PPP were the key players.	Concerns over pre-poll manipulation and unequal opportunities dominated discussions.	PTI won the most seats and formed a coalition government.	Allegations of political engineering raised questions about election fairness.
2024	General elections, delayed from 2023, were held in February 2024 amidst political and economic turmoil.	Independent candidates (backed by Imran Khan), PML-N, and PPP.	Economic challenges, transparency, and fairness were major issues.	Independent candidates won over 100 seats, PML-N secured 75, and PPP followed with 54.	A coalition government led by PML-N and PPP was formed, but fairness concerns persisted.

Voter's turnout in the elections of 1977-2024 (Graph 2).



Data Source: ECP & FAFEN for (GE-2024)

General Elections of 2013 As First Successful Democratic Transition

At first, the 2013 general elections were seen as a big stride toward a democratic process that was both functioning and led by the people. Nonetheless, a number of people and political organizations objected, citing anomalies and inconsistencies in the elections. Following the elections, a number of grievances surfaced, and several political parties flatly denied the

outcomes. The elections were condemned for a number of reasons, such as a lack of cooperation in some places, confusion, and disarray. Pakistan Tehreek-e-Insaf (PTI) was one of the main opposing parties, voicing a number of issues. Among these were claims of misconduct, the distribution of extra ballots, problems with vote verification, and inadequate polling agent supervision. Additionally, PTI said that there were differences in vote counts, replacement ballots were provided, and some poll workers displayed political prejudice. PTI filed a legal petition in response to these complaints, requesting an investigation into the purported anomalies.

Commission for accepted conclusion of 2013 had happened created and allure report is as below;

General Elections 2013 Inquiry Commission report

Three Supreme Court judges made up the General Election 2013 Inquiry Commission: Justice Ejaz Afzal Khan, Chief Justice Nasir-ul-Mulk as Chairman, and Justice Amir Hani Muslim. The Commission convened nine sessions after its initial hearing on April 9, 2015, and on July 22, 2015, it announced its conclusions. The study emphasized that the Election Commission of Pakistan's (ECP) inadequacies were a major cause of the irregularities in the 2013 General Elections. According to the 2013 Inquiry Commission Report, it found three significant flaws in the ECP's procedures.

Absence of expecting unspecified the ECP

- The formula for publication excess count documents (that is, accumulation together on the preface of check stations) particularly inside the Punjab, was not enough awarded to the Returning Officers (ROs).
- Number of counts were not dependably equalized actually place Common ECP preferred the amount of surveys
- These facilities were probably overloaded because the Election Commission of Pakistan (ECP) only assigned four presses to print.
- In order to guarantee an accurate verification of postal ballots, a suitable system has to have been created and the required resources obtained.
- Failure to resort to Result Manage System (RMS) on Election Day
- Provision of learning texture completely various advocates gone antagonistic a respite
- ECP had still not received it's retain ability range
- Lack of preparation, overburden of Returning Officers and Presidings Officers (POs) and collapse to obey the possible standards.

Lack of Co-ordination between ECP, PEC's and exercises on the ground

When the Commission's findings is thoroughly examined, it is evident that the election process, which promoted openness and justice, was mostly followed. A troubling comprehension of the processes that oversaw the whole election process, as overseen by the Election Commission of Pakistan (ECP), caretaker administrations, regional returning officers, poll workers, election candidates, and their political parties, is highlighted in the study. In order to wrap up its conclusions, the Commission highlights in the report that the ECP has the power and resources to

guarantee that the 2013 elections were conducted correctly. However, the data suggests that the ECP was unable to adequately carry out its duty.

Lack of authorization ECP

The main issue facing the Election Commission of Pakistan (ECP) has been its incapacity to carry out its stated duties and wield its expanded jurisdiction. Even though the ECP has established a plethora of rules and regulations, many of which are supported by law such as the limit on election expenditures it has repeatedly failed to ensure strict compliance with these standards. The blatant utilization of funds by the ECP that the Commission had not checked in the NA-122 (Lahore-V) by-election is a perfect example of their failure to exercise control and ensure basic electoral legislation. In spite of rigorous legal examination and continued judicial criticism of its activities, the ECP has failed to establish a robust framework for legal accountability. The Honorable Chief Election Commissioner recommended that "High Courts should desist from interfering in the day-to-day activities of the Election Commission of Pakistan" in reaction to this issue, which has raised concerns regarding court interference in the ECP's activities. But the ECP has all too often failed to effectively tackle such issues. The Lahore High Court ruling in favor of granting the PTI's application allowing some individuals to contest the office in the NA-122 by-election, for instance, led to blatant electoral code violations by the ruling regime and other parties. The ECP should have annulled the by-election as the correct course of action. The ECP severely compromised its own credibility by failing to do this. Failing to establish a proactive mechanism for engaging with the court and effectively asserting its authority remains one of its most glaring weaknesses.

Challenge of Enforceability of Election Laws, Rules and controls apiece ECP

Even though Pakistan has clear electoral norms and processes, their implementation is the biggest obstacle. Addressing this issue has been a persistent challenge for the Election Commission of Pakistan (ECP). Lately, it has failed to stop infractions like going over campaign expenditure caps. This issue was brought to light by the NA-122 (Lahore-V) by-election, which had overt manifestations of money influence that the ECP was unable to adequately handle.

The ECP could have delayed the poll instead of jeopardizing the integrity of the electoral process if it had thought that court decisions were preventing its orders from being followed. All election laws, rules, and behavior norms must be properly adhered to and enforced, and this is the responsibility of the ECP. It loses credibility and defeats the point of its increased power if it doesn't achieve this.

Election Tribunals ought amount to their work inside the ruled ending of four months.

According to the legislation, election tribunals that were set up following the 2013 general election were to wrap up their work within four months. Why the ECP let these Tribunals to continue their work for more over three years is still unknown, though. Prolonged stay orders from the courts are responsible for a large portion of the delay. Furthermore, the Tribunals occasionally failed to settle matters effectively, and the ECP frequently moved electoral petitions after significant delays. To stop such lengthy delays in the future, the ECP must determine the underlying reasons for these delays and either suggest changes to the current legislation or pursue legal action. Maintaining the legitimacy and effectiveness of the democratic process depends on making sure that election disputes are resolved promptly.

Pakistan's transition from Partial democracy towards true democracy during 1970-2024 elections :(Table .2).

Partial Democracy	Controlled Democracy	Controlled Democracy	Partial Democracy	Partial Democracy	Partial Democracy	Partial Democracy	Controlled Democracy	True Democracy	True Democracy	Controlled Democracy	Controlled Democracy
1970	1977	1985	1988	1990	1993	1997	2002	2008	2013	2018	2024

Source: PILDAT

Election Reforms 2008-2013

After a lengthy time, the electoral process was returned to civilian governance. The federal administration was created by the Pakistan People's Party (PPP), which prioritized the restoration of the original constitutional framework while introducing modifications to improve electoral integrity, fairness, and transparency. The historic 18th Amendment, which the president signed into law on April 19, 2010, marked the beginning of this endeavor (Madiha Shah, 2010). By restoring democratic values, the amendment sought to undo the constitutional violations brought about by Generals Zia and Musharraf. The Chief Election Commissioner (CEC) appointment procedure was streamlined by the 18th Amendment and put under legislative supervision. In the past, the CEC and Election Commission members could only be appointed by the President. The amendment mandates consultation between the Prime Minister and the National Assembly's Leader of the Opposition. To guarantee a consensus-based nomination process, their proposals are then examined by a nonpartisan parliamentary committee that is equally represented by the administration and the opposition. Additionally, the amendment established a framework for holding elections under a neutral caretaker administration and gave the Election Commission of Pakistan (ECP) more authority. The Constitution's main provisions, such as provisions 48, 213, 215, 216, 218, 219, 221, 224, and 226 were all modified.

On February 28, 2012, the 20th Amendment was ratified in order to significantly fortify election procedures. It created a multi-party, impartial caretaker administration with the backing of an independent ECP to conduct elections. The 20th Amendment established the idea of a caretaker administration, even though it had been suggested by the PPP and PNA in 1977. Within three days following the dissolution of the National Assembly, the Prime Minister and the Leader of the Opposition have to agree on the appointment of the caretaker prime minister. The issue would be sent to a bipartisan parliamentary committee if they were unable to come to a consensus. The ECP would have the power to complete the appointment if the committee failed as well. The provinces were subject to similar provisions. Articles 214, 215, 216, 218, and 219 of Chapter 1, Part VIII of the Constitution were modified by the 20th Amendment, which also included Article 224A under Chapter 2. It underlined the need for the interim administration to be unbiased and free of political ties. The Second and Third Schedules of the Constitution were also modified. "Election

Commission of Pakistan" was used instead of "Chief Election Commissioner," and the regulations were amended to reflect the ECP's enlarged responsibilities (The Constituents [Twentieth Amendment] Act, 2012).

After the PPP-led administration ended its term on March 16, 2013, the changes were put to the test, providing a chance to assess how well these constitutional modifications worked. These modifications were essential to fortifying Pakistan's electoral system and guaranteeing more equitable elections.

General Election 2013: Applicability of discretionary amendments

The National Assembly is supposed to operate for five years after its initial sitting, unless it is dissolved early, as stated in Article 52 of the Constitution. On March 17, the National Assembly met for the first time after the national elections in February 2008. As a result, the assembly was dissolved on March 16, 2013, at midnight, after serving its five-year term (Gishkori, 2013). For the first time in Pakistani history, a democratically elected government served out its whole term. In order to maintain the democratic process, general elections must be held within 60 days following the assembly's dissolution, according to Article 224(Clause 1). The 18th Amendment created a system for legislative monitoring of the election process and instituted a methodical and responsible procedure for selecting the Chief Election Commissioner (CEC). Likewise, within three days, the Prime Minister and the Leader of the Opposition had to agree on the appointment of a caretaker Prime Minister, according to the 20th Amendment. The issue would be sent to an eight-member bipartisan parliamentary committee established under the 20th Amendment's constitutional requirements if they were unable to come to an agreement. Conflicts between the opposition and the prime minister about who should be the caretaker prime minister intensified in spite of these clauses. This brought to light inefficiencies in the political process and compelled the Election Commission of Pakistan (ECP) to settle the issue. On March 25, 2013, by a majority vote of 4-1, the ECP finally chose Justice (R) Mir Hazar Khan Khoso as the interim prime minister. This 20th Amendment appointment further damaged the idea of parliamentary supremacy by highlighting members' incapacity to put national interests ahead of party politics. On May 11, 2013, the general elections that followed took place. But there were disagreements after the election, especially in Karachi and Lahore, where protests were triggered by claims of cheating. The Pakistan Tehreek-e-Insaf (PTI) called for a recount of ballots in four constituencies and voiced disapproval of the outcomes of 25 National Assembly seats. In order to rebuild public trust in the voting process, PTI also urged the ECP to confirm voters' thumb impressions (H. Malik, 2013). Unauthorized intervention and procedural errors were among the anomalies during polling that the Free and Fair Election Network (FAFEN) also discovered. The Pakistan People's Party (PPP) denounced the election results as being rigged by the incumbent government, while the Pakistan Muslim League-Nawaz (PML-N), which emerged victorious, accused rival parties of wrongdoing in Sindh. All of the main political parties questioned the validity of the results as a result of these allegations, which caused significant discontent (Media Conversation of the PM of Pakistan, 2020). Following an investigation into these accusations, a three-judge panel issued a 237-page report rejecting PTI's assertions. The panel came to the conclusion that the 2013 general elections were held legally and fairly, notwithstanding several shortcomings on the part of the ECP. However, the results did not satisfy opposition parties, which led to criticism of the election process and a decline in public confidence in the ECP (H. Malik, 2015).

Election Reforms 2013-2018

The following civilian administration excessively given an correction and Election Act 2017.

After being ignored in two separate Parliament buildings, the 22nd constitutional reform measure was finally seen by the President on June 8, 2016. According to "President Approves 22nd Constitution Amendment," 2016, this adjustment made bureaucrats, administration executives, and technocrats capable of serving as CECs and ECPs in addition to being part-time or permanent judges of high courts. As if previous High Court or Supreme Court judges were already deftly handling CEC matters. Articles 213, 215, 216, 217, 218, 219, 221 and 222 of The Constitutional (Twenty-Second Amendment) Act. 2016, 2016 were amended in the 22nd rectification.

Additionally, it establishes significant age restrictions for the CEC and ECP appendices at 68 and 65 years old, respectively (Mohal, 2019). On July 25, 2014, a Parliamentary Committee on Electoral Reforms (PCER) was also established. After extensive deliberations spanning over three years, the Constituent electing corrects were recommended to the Parliament for approval in 2017 (The Election Act, 2017 An Overview, 2018).

Election Act, 2017

On October 2, 2017, only ten months before the National Assembly's term ended, the "Election Act 2017" was introduced in Parliament to aid in the development of the imprecise selection. Along with 15 chapters and 241 supplies, the Act granted new voting regulations, granting PEC related services and permitted liberty ("Major Reforms Approved in Elections Bill 2017," 2017).

Eight elections were canceled under the Act's section 241, which also protected the ECP by making it free. These laws, which included the Constituent Rolls Act of 1974, the Delimitation of Constituencies Act of 1974, the Senate Ele Act of 1975, the Representation of People as Political Whole Act of 1976, the Election Commission Order of 2002, the Conduct of General Election Order of 2002, the Political Parties Order of 2002, and the Allotment of Character Order of 2002, hardened the eight societies (The Gazette of Pakistan, 2017) . The modifications made to sections 7B and 7C of the Conduct of General Elections Order, 2002, forced the PML-N government to contend with open shock. The adjustment was made inside the open commission possessors' statement form. In a competitor's selecting supporting form, the controlling body was accused of granting permission to evade the charge of Khatm-e-Nabuwat (conclusiveness of the Prophethood) (Shafiq and others., 2017). In a supplying refer to a contestant's theory inside the definiteness of Prophet Muhammad's (harmony be upon him) Prophethood, legal order 'I sedately depose' have happened substituted accompanying 'I disclose' inside the up-to-date Form-A. Besides, it acted not relate to non-Muslim nominees. As per standard authorities, the exchanged clarification inside the shape transformed over it into a inconsequential report a suggestion of correction an testimony (Haq, 2017). The opposite bodies wanted the restoring of the first shape. The immense burden from limit bodies obliged the administration to table the 'Election Act 2017' again inside the National Assembly to resume paragraphs 7A and 7B relating to the definiteness of the Prophethood in allure inception frame (Chaudhry, 2017). Major changes understood inside the Charge contained a supported, free, and free Election Commission. It rested on capacities of the High Court for particular headings, valid capacities to control the exchange of choosing experts and corrective endeavor against bureaucracy, entire finances liberty, and capacities to form rules outside former support of the President (The Gazette of Pakistan, 2017). Within the Election Act 2017, two divisions were important, portion 94, and 103. 94 stipulates that "(1) The Commission

may conduct ship project for overseas Pakistanis to cast a poll in goodbye-elections to select the specific ability, intangibility, unchanging value, and monetary chance of the projected vote. The Commission will share the judgments accompanying the Government and set the report to both Houses of Parliament in fifteen days of the origin of the project.(2) In Sec , "Abroad Pakistani refers to a Pakistani taxpayer occupied or reside a outside civil skilled continually or concisely for a slightest ending of six months and bearing a National ID Card for overseas Pakistanis circulated beneath the National Database and Registration Authority Ordinance , 2000 (VIII of 2000), (Election Act, 2017, 2017). By moment 103, the ECP was committed accompanying analyze trial-run programs for exploiting EVM and biometric ratification foundations in goodbye-elections in growth to the now employed manual blueprints for elector proof, emitting, and examining of votes to determine the specific ability, secret, protection, and services connected common sense of the EVM and biometric proof foundation and ability share the happens accompanying the Government, that concede possibility, inside fifteen days from the offset of a gathering of a House after the certificate of the report, display the unchanging before the Parliament. Since the ordinary race 2013, the PTI had existed asking in lawmaking panel conference combine the supplyings of photoelectric polling machines and the correct of overseas Pakistanis to cast a vote to the Election Act, 2017. As a commission appendage, Arif Alvi (desk approximate PTI) was first in rank of persuasive the ECP to select both supplyings.

General Election 2018: Applicability of electing corrects and Act

The third ensuing approximate choosing grasped in 2018 appear strength the suitability of the electing improvement and Act created among 2013-2018. In any case, all aforementioned endeavors appeared insignificant when next era of the voting, a multi-body colloquium (MPC) was grasped, barring the Pakistan Tehreek-i-Insaf (PTI), that rebuffed the survey happens and entailed a speeded methods to bargain accompanying repeated choosing interrupting (Hussain, 2018). It was clear that neither the Election Act of 2017 nor the addition of the 22nd rectification brought integrity to the July 25, 2018 polls. In the 2013 elections, 133 community members filed petitions to voice their dissatisfaction; however, in the 2018 election, only 102 petitions were filed, indicating that fewer issues needed to be resolved (Opposition Invited for Electoral Reforms, 2020). The ship projects pertaining to moments 94 and 103 were completed earlier and were not included in the voting process.

Election Reforms 2018-2022

The Opposition Leader was held more accountable in the National Assembly by the third continuous civilian administration, which also saw an opportunity to establish a commission on constituent rights. The government was committed to creating a foundation of simple choice, after which the defeats would truly recognize their victory.

The Elections (Amendment) Bill, 2021

The Election (Amendment) Bill, 2020, which included 49 revisions to the Election Act, 2017, was introduced in the National Assembly on October 16, 2020. This measure focused on requiring members of federal and provincial legislative bodies to declare their assets and liabilities to the ECP in order to increase openness. To further improve electoral processes, it also suggested open voting for Senate elections (The Election (Amendment) Bill, 2020, 2020). In accordance with Article 89 of the Constitution, the "Election (Second Amendment) Bill, 2021" was subsequently issued on May 8, 2021. When the Senate and National Assembly were not in session, this measure

altered the Election Act of 2017. In order for Pakistanis living abroad to exercise their right to vote in upcoming elections, it required the ECP to acquire electronic voting machines (EVMs). The President circumvented the Standing Committee on Parliamentary Affairs by amending Sections 94(1) and 103 of the Election Act, 2017 by an ordinance. The measure was approved without much discussion, even though only eight of the twenty-one committee members were present. A joint session of Parliament adopted the bill on November 17, 2021, enabling the ECP to order EVMs for the general elections and facilitate abroad voting with the help of NADRA or other organizations ("Parliament Passes Bills for Use of EVMs in Elections, Right of Vote to Overseas Pakistanis," 2021). On November 23, 2021, the Senate standing committee on legislative affairs established three committees to evaluate the cost of EVMs and modify current regulations for their usage, despite the fact that the ECP objected to the revisions in 37 ways (Virk, 2021). However, a political change took place before these changes could be completely implemented. The PTI-led government was overthrown on April 9, 2022, when the National Assembly voted a no-confidence motion. A number of reforms made in 2017 and 2021 were reversed when the newly constituted PML-N administration introduced the Election (Amendment) Bill, 2022, within two months (Elections (Amendment) Act, 2022). The development of a fair and credible electoral process is still hampered by Pakistan's political leadership's ongoing inability to agree on electoral changes.

Issues and Challenges

- Overthrowing governmental entities confirms manipulation and results control.
- Electoral arguments render the system ineffective; corrective proposals are needed to strengthen it.
- Governmental entities that provide the framework for active committees rely on society-based foundations. Pakistan's political structures were either created by military-backed supporters or by pioneers who lived in poverty under military dictators.
- The delay in appointing the Chief Election Commissioner (CEC) was questionable, as influential actors manipulated the unregulated foundation for their own benefit to undermine rivals.
- A significant issue is the prioritization of personal identities over principles, exacerbated by a lack of education.
- Early government officials' rigid protocols facilitated collusion between legal, bureaucratic, and military factions during elections.
- Approximately nine million Pakistanis are unable to vote due to the lack of a postal voting system or proper infrastructure.
- The absence of an inclusive electoral and governmental framework marginalizes settlers from participating in societal and governmental processes.
- The ECP enforces and reviews restrictions on candidates for both local and national assemblies. However, records indicate that many candidates exceed the set limits.

Conclusion

The ECP is deserving of praise for its unwavering dedication to holding free and fair elections in Pakistan. As long as they are well thought out and implemented, the suggested adjustments are creative and should result in major advancements. According to democratic ideas, free and fair elections promote a peaceful handover of power by incentivizing losing candidates to concede the outcome and smooth the transition to a new administration. Even though different governments have implemented electoral reforms that have increased transparency, political disagreement, continuity issues, procedural delays, and party impasse continue to be major barriers to resolving electoral issues in Pakistan. The same procedures that have not satisfied politicians and the public

in the past are probably going to be used in the general elections in 2024. Pakistan's electoral conflicts will continue until political parties put the country's interests ahead of their own or their parties' objectives. Maintaining democracy and guaranteeing a legitimate and trustworthy electoral process require putting aside political disagreements and fostering agreement on electoral changes.

References

1. Article 21, Universal Declaration of Human Rights, 1948
2. https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://gallup.com.pk/bb_old_site/election/First12GeneralElectionsofPakistan_August2013.pdf&ved
3. Voter turnout of elections
4. <https://pide.org.pk/research/the-economic-and-environmental-cost-of-election-2024/>
5. Final report of general election 2013..
6. <https://www.scribd.com/document/272373634/Inquiry-Commission-2015-Final-Report-of-the-General-Elections-2013>
7. Shah, M. (2010, April 19). President signs 18th amendment bill. The Express Tribune. <https://tribune.com.pk/story/7584/18th-amendment-bill-underway....Madiha Shah>
8. Adil, M., & Afridi, M. K. (2020). Constitutional Amendments in PPP's Government (2008-2013): Role of the Parliamentary Opposition. Global Legal Studies Review, 5(3), 1–12. [https://doi.org/10.31703/glsr.2020\(V-III\).01](https://doi.org/10.31703/glsr.2020(V-III).01)
9. Senate approves 20th Amendment bill after consensus. (2012, February 20) Dawn. <https://www.dawn.com/news/696880/consensus-reached-on-20th-amendment-in-senate>
10. Gishkori, Z. (2013, March 16). National Assembly stands dissolved. The Express Tribune <https://tribune.com.pk/story/521913/national-assembly-stands-dissolved>
11. Parliamentary committee constituted to select caretaker PM. (2013, March 19). Dawn. <https://www.dawn.com/news/796508>
12. -Caretaker PM: political disharmony. (2013, March 28). Dawn. <https://www.dawn.com/news/798556/caretaker-pm-political-disharmony>
13. Malik, M. (2013, May 16). Imran wants vote recount in four NA constituencies. Dawn. <https://www.dawn.com/news/1011626/imran-wants-vote-recount-in-four-na-constituencies>
14. General Elections Observation and Analysis of Election Day Processes. (2013). <https://fafen.org/2013-general-elections-observation-and-analysis-of-election-day-processes/> Gishkori, Z. (2013, March 16).
15. Media talk of the Prime Minister of Pakistan. (2020, November, 17)
16. Malik, h(2015, July 2023) <https://tribune.com.pk/story/925188/election-rigging-probe-inquiry-commission-rejects-ptis-allegations>
17. President approves 22nd Constitution Amendment. (2016, June 9). Dawn. <https://www.dawn.com/news/1263673>
18. Mohal, <https://www.pakistantoday.com.pk/2016/05/19/22nd-constitutional-amendment-bill-to-be-tabled-today/>
19. The Elections Act, 2017 An Overview. (2018, February). Consolidating Democracy in Pakistan. <https://pakvoter.org/wp-content/uploads/2018/06/Overview-of-Elections-Act-2602184.pdf>
20. The Elections Act, 2017 An Overview. (2018, February). Consolidating Democracy in Pakistan. <https://pakvoter.org/wp-content/uploads/2018/06/Overview-of-Elections-Act-2602184.pdf>

21. The Elections (Second Amendment) Ordinance, 2021, Pub. L. No. Ord.XI of 2021, The Gazette of Pakistan (2021). https://na.gov.pk/uploads/documents/1623302318_579.pdf The Gazette of Pakistan, (2017).
22. Chaudhry, M. A. (2017, October 6). Khatm-e-Nabuwwat oath reverted to original form - Daily Times. Daily Times. <https://dailytimes.com.pk/113716/khatm-e-nabuwwat-oath-reverted-to-original-form>
23. Haq, R. (2017, October 4). Khatm-e-Nabuwwat oath: Govt to rectify ‘mistake’ in Election Bill. The Express Tribune. <https://tribune.com.pk/story/1522711/govt-amend-election-bill-2017-bring-back-khatm-e-nabuwwat-oath>
24. Chaudhry, M. A. (2017, October 6). Khatm-e-Nabuwwat oath reverted to original form - Daily Times. Daily Times. <https://dailytimes.com.pk/113716/khatm-e-nabuwwat-oath-reverted-to-original-form>
25. Opposition invited for electoral reforms. (2020, November 18). The News International. <https://www.thenews.com.pk/print/745104-opp-invited-for-electoral-reforms>
26. The Elections (Amendment) Bill, 2020, (2020). https://na.gov.pk/uploads/documents/1602855108_506.pdf
27. The Elections (Second Amendment) Ordinance, 2021, Pub. L. No. Ord.XI of 2021, The Gazette of Pakistan (2021). https://na.gov.pk/uploads/documents/1623302318_579.pdf
28. Parliament passes bills for use of EVMs in elections, right of vote to overseas Pakistanis. (2021, November 17). Radio Pakistan. <https://www.radio.gov.pk/17-11-2021/joint-sitting-of-parliament-passes-bill-granting-right-of-vote-to-overseas-pakistanis-providing-for-use-of-evms-in-elections> Parliamentary committee constituted
29. Muhammad, M. (2021). The Process of Law Making by Parliament and Provincial Assemblies in Pakistan. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.3957263>
30. Virk, S. (2021, December 22). ECP to summon meeting on EVMs, overseas voting. Express Tribune. <https://tribune.com.pk/story/2335122/ecp-to-summon-meeting-on-evms-overseas-voting>