Improved ECP Enforcement Witnessed in Karachi By-Elections

KARACHI, April 7, 2016: People went to a peaceful election held in two constituencies of Karachi amid heavy presence of security forces and an unusually assertive Election Commission of Pakistan (ECP) seen to be enforcing the election rules, says Free and Fair Election Network (FAFEN) in its election observation report on Thursday.

However, procedural irregularities were observed to have persisted in the two by-elections with FAFEN observers reporting an average of 4.8 violations per polling station. However, being managed by ECP officials acting as District Returning and Returning Officers and held under the security cover of Rangers who were also vested with the magisterial powers, the elections were relatively better managed keeping in view the traditional context of Karachi where quality of elections has remained questionable. The two by-elections followed the enforcement plan as devised for the one held in NA-246 last year whose quality was appreciated by all political parties.

Election fervor in NA-245 (Karachi-VII), however, dampened after the last minute withdrawal of the PTI candidate in favour of MQM. Election in PS-115 (Karachi-XXVII) was tightly contested in a race among the candidates of MQM, PTI, PPP and MQM-H. The turnout in the two constituencies, however, remained visibly low, although the exact percentage of polled votes will be clear with the final result of the two constituencies are announced by the ECP.

Notwithstanding a few instances of violence reported by FAFEN observers and media, the Election Day remained peaceful and clearly better organized. The removal of party camps from outside a number of polling stations during the day established ECP’s resolve to strengthen its enforcement of electoral laws and rules, improving the polling environment for voters.

By-election in NA-245 was necessitated by the resignation of MQM’s Rehan Hashmi after his election as Vice-Chairman of a union committee in the recently held local government elections in Sindh. Hashmi polled 115,776 votes in 2013 against PTI’s Muhammad Riaz Haider who bagged 54,937 votes.

As many as 16 candidates ran for by-election in this urban constituency of Karachi, which spans over nine union committees. In addition, some areas of UC Kalyana Colony are also a part of this constituency. The constituency has remained a stronghold of the MQM, which has won it in general elections in 2002, 2008 and 2013.

The NA-245 showed an increase of seven percent in registered voters – 409,655 (221,242 male and 188,413 female) for by-election as compared to 383,748 (208,050 male and 175,698 female) in general elections 2013. However, the number of polling stations for the two elections remained the same – 277 polling stations (159 combined and 34 each for men and women) with 796 polling booths (407 for men and 389 for women).

Similarly, the PS-115 (Karachi-XXVII) was compelled by the resignation of MQM’s Arshad Abdullah Vohra, who recently elected as Chairman of a union committee in the local government election. Vohra won the seat in General election 2013 polling 55,804 votes against PTI’s Hamza Nafeez’s 18,622 votes.

As many as 14 candidates ran for this provincial constituency in urban Karachi where the registered voters increased to 162,614 (90,413 men and 72,201 men) from 155,952 voters (86,021 men and 69,931 women) registered for 2013 general elections. As many as 83 combined polling stations were setup for the by-election with 166 male and 166 female polling booths.

FAFEN deployed a total of 44 (28 men and 16 women) trained, non-partisan observers in NA-245 and 18 (14 men and 4 women) in PS-115. The observers were required to spend at least an hour at each polling station and document their findings on a standardized checklist based on the provisions of the Representation of the People Act 1976, Conduct of Elections Rules 1977 and instructional handbooks provided to the election officials by the ECP. This report is based on the observation of 80 polling stations in NA-245 and 22 in PS-115 from where information could be acquired on the Election Day. Some of the major findings include:

**Pre-Voting Process and Availability of Election Materials**

The process of opening of polling stations remained relatively smooth. At only three observed polling stations in two constituencies, polling agents raised objections that the election officials were not following the defined procedure. Similarly, there were only two polling stations where unauthorized persons were present before the start of the polling. However, importantly, there were 28 polling stations where Form XIV (Statement of the Count) and 52 polling stations where Form XV (Ballot Paper Account) were not provided to presiding officers in an adequate quantity. The law requires that the presiding officers provide a copy of the two forms to the polling agents of all candidates present after the counting of ballots at the polling station. Moreover, a copy of Form XIV (Statement of the Count) is also required to be displayed outside the polling stations.

**Campaigning and Canvassing around Polling Stations**

Although the ECP removed the party camps outside a number of polling stations, there still were 12 polling stations in the two constituencies where political parties and the contesting candidates were observed to have set up the polling camps. The law disallows party camps within a radius of 400 yards of polling stations on the Election Day. The use of transportation by candidates to bring their voters to polling stations was also negligible and was observed outside only six polling stations. Party posters, banners and flags within the legally prohibited limits was observed at seven polling stations, while promotional materials of political parties was observed to have been removed from all but one polling station. However, voters were seen to have been bringing the “voter chit” issued by political parties or the candidates at 198 polling booths. These chits were inscribed with the election symbols of contesting candidates at almost one-third of the observed booths.

**Bar on Observers**

FAFEN observers were barred from observing the voting processes at nine polling stations, all in NA-245. The restriction came mostly from security officials who refused to permit the observers despite the ECP’s Accreditation Cards and instead asked for an authority letter. Such lapses occur due to the lack of proper protocols for the training of security personnel, creating for space of their own interpretation of election laws. At 31 observed polling stations in the two constituencies, security personnel said they were not given any training prior to their deployment, indicating at the need for defined ECP training protocols for security officials.

**Women Voting**

At 20 of the observed female booths, male staff was deployed. Of these, at two booths, some women did not vote due to the presence of male staff.

**Breach of Secrecy**

Registering a significant improvement as compared to high prevalence of incidents of the breach of privacy in the local government elections, FAFEN observers reported from 13 polling booths that unauthorized persons were accompanying voters behind secrecy screens. In two instances a polling official and a polling agent were seen to be stamping ballot on behalf of voters.